

LAND AND SOCIETY IN NORTH BIHAR, INDIA: AGRARIAN RELATIONS IN

THE LATER NINETEENTH CENTURY

B Y

Bindeshwar Ram

Thesis Submitted for the Degree of Doctor of Philosophy,  
School of Oriental and African Studies, University of London

1988



ProQuest Number: 11010491

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 11010491

Published by ProQuest LLC (2018). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code  
Microform Edition © ProQuest LLC.

ProQuest LLC.  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106 – 1346

Dedicated to my

**Father**

## CONTENTS

Abstract	i
Preface and Acknowledgement	ii-iii
Maps:	iv-v
List of Tables	vi
List of Abbreviations	vii
1. INTRODUCTION: the Agrarian Society of North Bihar in the Nineteenth Century	1
2. Zamindars	23
3. Raiyats	75
4. Land Rent	130
5. Agricultural Labour	164
6. Conclusion	224
Footnotes	
Bibliography	



## ABSTRACT

The thesis discusses the origin and development of land ownership, tenancy and labour, and the pattern of economic organization, in North Bihar. These questions are considered both in terms of the relation between production and rural trade, and in regard to tenancy and other laws of British administration. The attempt is to make an over-all estimation of agrarian relations in the region. This includes the value of land, the rent system, the nature of the proprietary interest, and the social and economic gap between the upper and lower classes of the population. In particular, the intention is to describe the historical current in the structure of society, land tenure, production and subsistence. Did the condition of the lower classes as revealed in the courses worsen in relation to the condition of the agricultural community as a whole? Was there a rise in population, and if so with what effect? What was the impact of tenancy legislation from the point of view of changes in the condition of the agricultural classes? How important was government policy generally in relation to the agrarian society of Bihar?

The thesis concludes, among other things, that institutional factors and social and economic ideas were responsible for the development and maintenance of the social hierarchy. The conditions of the lower classes worsened, as their rights were not increased. Government legislation at first ignored tenant rights too, but later improved the position of occupancy tenants. The internal market continued to be controlled by landed proprietors or local merchants, but their external interests, in towns and trade, increased their desire to control the village economy.

## PREFACE AND ACKNOWLEDGEMENTS

Apart from an introduction and conclusion, this thesis is divided into four parts. The first part on Zamindars discusses: (i) dominant social classes and the formation of agrarian society in historical perspective, (ii) partition of estates, (iii) raiyati right by proprietors, (iv) zirat land; (v) management of zamindari estates; and (vi) intermediaries and tenure-holders. The second, on Raiyats, deals with: (i) the evolution and growth of raiyats in historical perspective; (ii) the categorization of raiyats, status in land, society and tenancy law; (iii) the transfer of raiyati rights by zamindars; and (iv) raiyats and production relations. The third, on Land Rent considers: (i) customary practice of the extraction of surplus produce, a historical dimension; (ii) raiyati land, production, rent and tenancy law; (iii) the rental income of zamindars and the collection of rent by various elements of society; (iv) how rent was enhanced: methods and classes of tenants subjected to such enhancement; (v) *abwabs* (cesses); and (vi) whether the rent increased in the late nineteenth century in North Bihar. The fourth, on agricultural labour, is divided into nine sections: (i) the historical genesis of labour, bondage slavery and its continuity; (ii) population and labour; (iii) labour and expansion of cultivation; (iv) the paradox of labour scarcity; (v) government intervention and emigration; (vi) wages and the labour market; (vii) the late nineteenth century: rising demand and captive labour; (viii) Housing and health as indicators of poverty; (ix) trends and comparison.

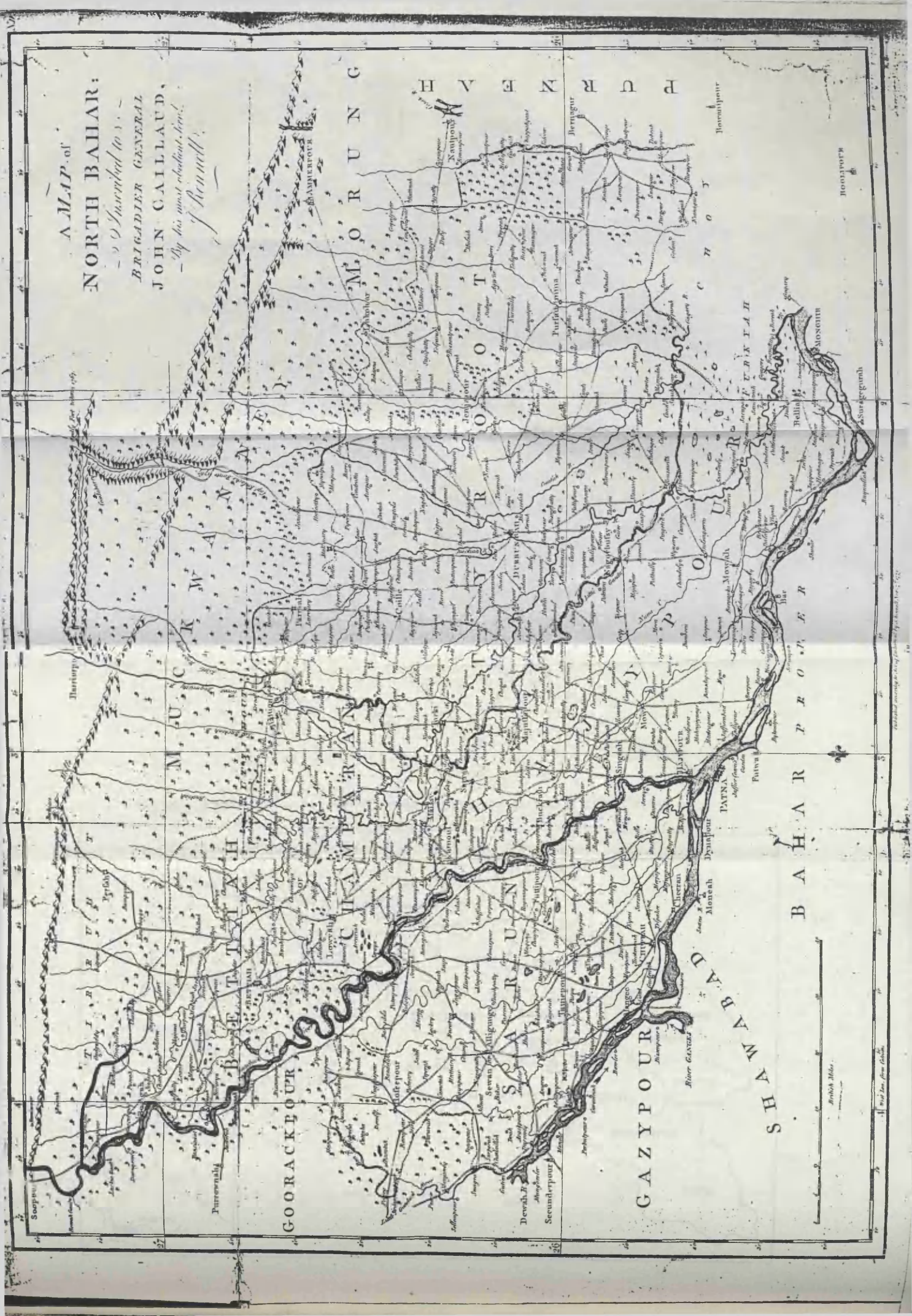
In pursuing this research, my supervisor, Dr. P. G. Robb, has done much to shape my analysis, and clarify my arguments at various stages. I am grateful to him for all this during the course of my study.

I am indebted to Professor A. R. Kulkarni ex-Chairman Indian Council of Historical Research, and Professor K. A. Ballhatchet, Head of the Department of History, SOAS, for their encouragement in completion of this work. My thanks are

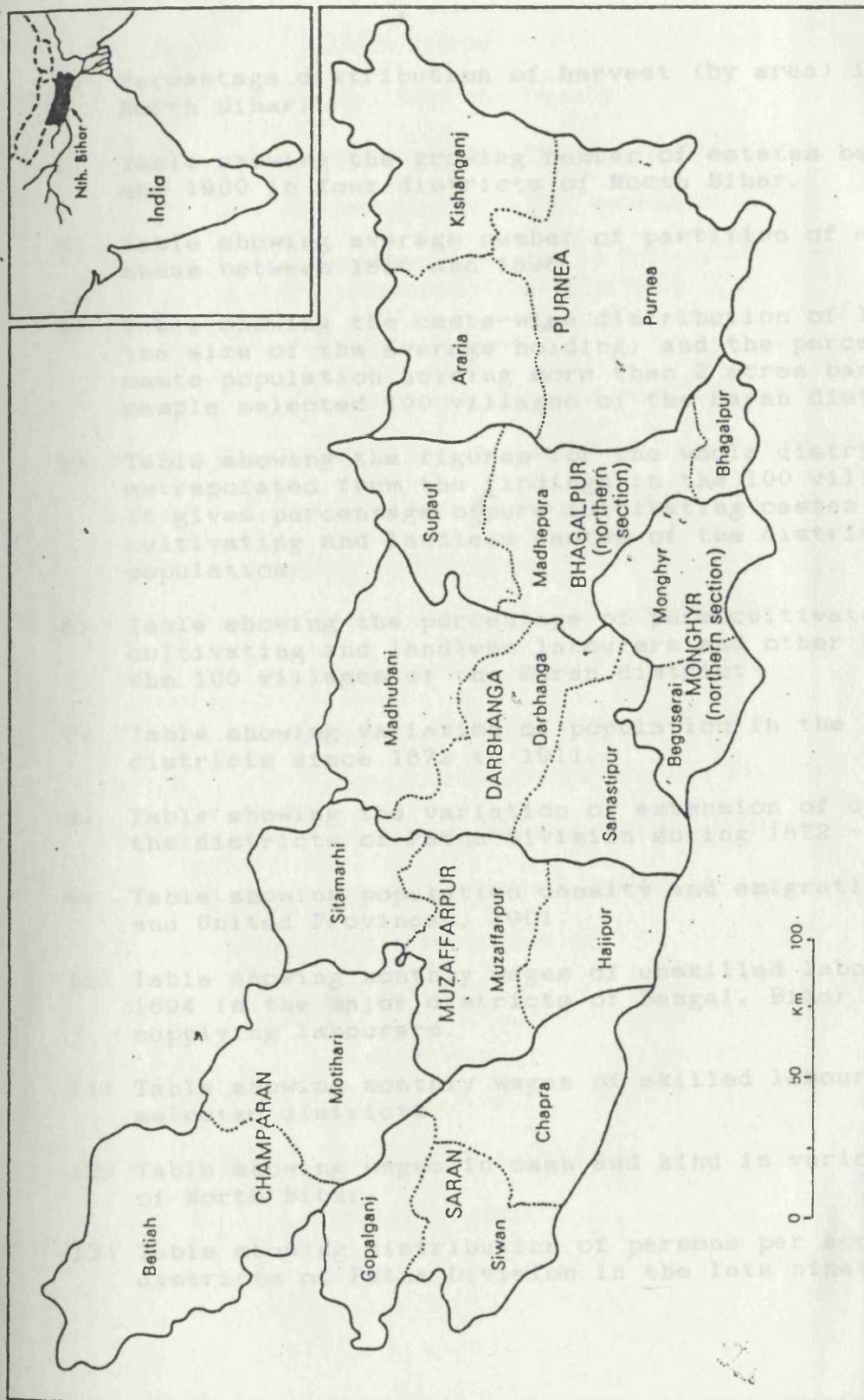
also due to Professor K. N. Chaudhuri for his advice at various stages during the course of my study.

I am grateful to Professor Irfan Habib, Chairman, Indian Council of Historical Research, who has been kind to me in extending my leave. I thank Mr. R. C. Dogra, Principal Assistant Librarian, South Asia, SOAS and the staff of the library, for their coöperation and help. Anandi and Gyan have been very kind in sparing time in going through the typescript. I must thank them for their help. I also thank Mrs. Norma Ogermann who has typed my thesis.

A MAP of  
NORTH BAILLIE;  
— By J. Swinburn to, —  
BRIGADIER GENERAL  
JOHN CAILLAUD,  
— By his most obedient Servant,  
J. Russell.







North Bihar: Districts and Sub-Divisions in the beginning of 20th Century.

## LIST OF TABLES

- 1) Percentage distribution of harvest (by area) in 1900 in North Bihar. P 16
- 2) Table showing the growing number of estates between 1879 and 1900 in four districts of North Bihar. P 49
- 3) Table showing average number of partition of estates per annum between 1866 and 1896. P 49
- 4) Table showing the caste-wise distribution of landholding, the size of the average holding, and the percentage of the caste population holding more than 2 acres based on the sample selected 100 villages of the Saran district. P 121
- 5) Table showing the figures for the whole district of Saran extrapolated from the findings in the 100 villages above. It gives percentage of pure cultivating castes and of the cultivating and landless castes of the district's (Saran) population. P 122
- 6) Table showing the percentage of pure cultivators, cultivating and landless labourers and other callings in the 100 villages of the Saran district. P 123
- 7) Table showing variation of population in the North Bihar districts since 1872 to 1911. P 174
- 8) Table showing the variation of extension of cultivation in the districts of Patna Division during 1872 - 1901. P 179
- 9) Table showing population density and emigration in Bihar and United Provinces, 1901. P 197
- 10) Table showing monthly wages of unskilled labourers, 1880 - 1894 in the major districts of Bengal, Bihar and U.P. supplying labourers. P 200
- 11) Table showing monthly wages of skilled labourers in the selected districts. P 200
- 12) Table showing wages in cash and kind in various districts of North Bihar. P 203
- 13) Table showing distribution of persons per acre in the districts of Patna Division in the late nineteenth century. P 215

## LIST OF ABBREVIATIONS

Br. Mus.	-	British Museum
B P P	-	Bengal Past and Present
C I S	-	Contributions to Indian Sociology
CJE	-	Cambridge Journal of Economics
C S S H	-	Comparative Studies in Society and History An International Quarterly
E J	-	Economic Journal
E P W	-	Economic and Political Weekly
I E S H R	-	Indian Economic and Social History Review
I H C P	-	Indian History Congress Proceedings
I H R	-	Indian Historical Review
I H R C	-	Indian Historical Records Commission
I O L	-	Indian Office Library & Records
J B R S	-	Journal of Bihar Research Society
J I S	-	Journal of Inter-disciplinary History
J O R S	-	Journal of American Oriental Society
J P S	-	Journal of Peasant Studies
M A S	-	Modern Asian Studies
M S S	-	Manuscripts
N D	-	No Date
N A	-	No Author
Rev. & Agr.	-	Revenue and Agriculture
S S	-	Social Scientist

## CHAPTER I

### INTRODUCTION: the Agrarian Society of North Bihar in the 19th Century

Empirical research on the nineteenth century economy and society in India has assumed much significance in recent decades. Study of the different regions within India is imperative. Varying features of geography, social organisation and custom create regional patterns and specific problems. North Bihar is one such region, where a highly developed agriculture and a hierarchy of producers have existed since very early times.

Research on the nineteenth century depends largely on British documents and other records prepared during British rule. Oral evidence can depict a clearer picture of recent years, but in the nineteenth century the land system, fiscal policy and political organisation of the country were quite different. Hence my study is confined to the sources of the British period with which it deals.

There is a considerable literature on the agrarian history of Bihar (a part of Bengal Presidency) in the nineteenth century.<sup>1</sup> Among some recent work, concerned with areas outside Bihar, there is evidence of new thinking about the changes in agrarian structure and other aspects of rural society. One book, that of Sugata Bose on agrarian Bengal, has called for a re-consideration of economic relations in society in eastern India as the basis for the exploitation of the lower orders by dominant social groups<sup>2</sup>. In this study I am also trying to trace the development of social classes and their relations with each other. But I suggest that the social hierarchy remained a crucial basis for relations between the haves and havenots, and for the exploitation of agricultural production. Hence I will examine the relations between landlords and peasants, of various categories, and in a broad historical perspective. My idea is also to analyse the qualitative differences between the various categories of landholders and their dominance in the society. Since the occupational distribution is quite insignificant so



far as the agricultural production is concerned, I argue that the caste hierarchy remains important for understanding the status of the peasantry or lower classes, even in conditions of commercial agriculture. I am concerned to identify the producers and exploiters, and to explain why, in changing economic conditions, <sup>they</sup> continued to suffer from oppression in the period under study. This question arises also in regard to the tenancy legislation which was supposed to protect cultivators as well as landholders. The concern is thus with the class basis of the differentiated raiyats and cultivators, at a time of increasing commercialisation of agriculture, and the growth of the market economy. I will not deal in detail with production or marketing, except in so far as they were relevant to the material life of the raiyats, and the maintenance of agricultural classes. Recently, much has been written on commercialisation, deindustrialisation and de-peasantisation, which I do not want to repeat. My main concern is to investigate the developments in agrarian relations during the nineteenth century in regard to the economic and hierarchical bases of the society. In considering the changes taking place, it is suggested that peasant production and social structure are related to each other, and that certain production relations persisted even with the development of capitalist relations in agriculture; it was thus that the social and economic orders appeared to be changed.

In relation to the British, the question is whether their efforts were likely to bring changes in the society. The policy of the government was more to maintain the equilibrium between the zamindar and raiyat than to ameliorate the impoverished condition of the lower classes and the landless labourers. Amongst the aspects considered in this connection are rent and the extraction of shares of the produce by the zamindars and intermediaries by means of their general influence but also of their administrative control and the use they made of tenancy law. The role of the Bengal Tenancy Act, 1885, and the later measures of the government under the Survey and Settlement procedures will be considered specifically, in comparison with the old methods of the

Company's rule, and in relation to the zamindars and the other dominant social elements such as village officials.

Another important theme in the social structure and economic relations is the emergence of intermediaries and rich peasants, whether by the creation of the tenancy laws or otherwise. But, it is argued, there remained essentially just three classes in the society — the zamindars and intermediaries, the raiyats, and the agricultural labourers.

Why study North Bihar agrarian history in the late nineteenth century? Regional examinations are needed in order to give an accurate idea of the process of transformation. The nineteenth century is important as the most formative period of the British regime from the point of view of economic development. The North Bihar region formed (and even now forms) the most fertile tract of the Indo-Gangetic areas; 80 to 90 per cent of the population depended on agriculture, but since the early period they had also developed indigenous art, craft and trade. Thus though people lived in the village community and were apparently self-sufficient, a social and economic hierarchy was very much present. Yet the greater development of a market economy did bring changes in other aspects of the society including the agrarian structure; that is one subject for this study.

To what extent was Bihar different? Administration and tenancy law were generally similar for the entire Bengal Presidency. There were basic similarities in social structure too between Bihar and Bengal. But there were also differences in the status and nature of the zamindars and raiyats. Bihar was poorer. There was, in addition, a sub-regional pattern within North Bihar. Prosperity varied across the districts of Darbhanga and Muzaffarpur, as did the degree of dominance by the zamindars. There were thousands of acres held by a single superior zamindar; there were areas controlled by a multitude of small and intermediary proprietors. Likewise we find very local differences in geographical and ecological features. Yet it is possible to ask, in the historical perspective, why one region is different from another? Why, for example, were the raiyats in Bengal more prosperous than their counterparts in North Bihar? How do the *jotdars* (rich peasants), a

dominant land holding class of intermediaries, differ from the intermediaries found under zamindars in Bihar?

To answer such questions, it is necessary to take a long view. The importance of the agrarian and administrative history of Bihar in the early periods of the nineteenth century has been realised by a few historians, notably K. K. Datta on the period under the East India Company, H. R. Ghosal on economic history, J. S. Jha on the Darbhanga Raj, and recent works of B.B. Chaudhuri on agrarian history. These works suggest a need for further research on elite formation and agrarian questions in the nineteenth century. I intend to study the main characteristics of the rise and growth of the agrarian problems which need serious consideration.

Land was never held in outright ownership as private property before the British arrived. The state possessed a traditional claim to a share of the produce, the land revenue demand, collected by the intermediary classes. They were of diverse origin. Some were Hindu or Muslim nobles, the military chiefs and tax collectors of the Mughals or those who rose, from the revenue administration having been *chaudhuri*s and *Sadar qanungos*. The *maharaja* of Darbhanga was in this category. Some were heads of clans and claimed to be descendents of ancient rulers of kingdoms, such were the Hathwa maharaj, and several other rajas of Bihar and Banaras. During the decay of governmental authority in the eighteenth century, many of these chiefs had vastly enhanced their power over the land, and encroached upon the rights of the State. This power fell short of a true proprietary title, for the zamindar had still to take account of the customary right of his tenants. The cultivator or raiyat was obliged to pay a share of his produce as rent to the superior holder, but this share was usually fixed by custom, and so long as it was paid the cultivator and his heirs were entitled to remain on the soil. The peasant thereby acquired an effective right of occupancy, which protected him from unjust enhancement or eviction, and gave him a tangible interest in the land. During the anarchy of the eighteenth century, although often subjected to extortion by powerful zamindars and forced to contribute to the support of armed bands of retainers, the

cultivators were still in a fairly strong bargaining position. The population was relatively small, and much land lay uncultivated. A raiyat who considered himself oppressed, could always take his labour elsewhere, and be certain of finding favourable terms. Such was the situation when the English introduced revenue administration and awarded proprietary rights in the soil to those upon whom they settled land revenue.<sup>4</sup> In Bihar a great portion of the land was distributed amongst a few Rajas; economic and social control was always in the hands of a handful of persons. The control of land and the distribution of its product were and are central to social relations and the social structure. Moreover, in Bihar as in other areas, land tenure was not only about ownership of land, rents and taxes, but also about kinship, marriage, ritual status, and prestige.

Under such an agrarian society, where one finds vast distinctions, the role of the foreign power was important for settling the zamindari system in line with the British system of proprietary rights, and for encouraging the growth of a capitalist agricultural economy. In this connection, the recent historiographical trends lay much emphasis on the condition of agricultural labourers and the depressed classes under colonial rule. Their poverty has been explained as depeasantisation and deindustrialization, and is said to be revealed in labour migration. In this thesis the causes will be located in underlying political and economic factors related to the zamindari structure and other changes associated with colonial rule.

What the records bring out, from the seventeenth century to the twentieth, is the significance of the assessment of the land revenue. The zamindar's position after the Permanent Settlement was as a revenue payer as fixed by <sup>the</sup> East India Company on the terms and conditions agreed upon, and also on the basis of actual returns. Hitherto in a large *amli zamindari*; only a few villages or a couple of *parganas* would ordinarily be earmarked for *istamrari* (revenue) settlement, while revenue for the remaining portions of zamindari would be based on annual assessments. Such a zamindar was called *mukarrari peshkash istamrari*. Where continuous records of a

particular zamindari family for the 17th and 18th centuries are available, it is clear that the revenues of the villages or *parganas* were revised at times annually and at times after two to five years. In respect of *istamrari* villages or *parganas*, at every settlement, the zamindar requested the government to retain the previously fixed revenues. The government had the discretion to accept or reject the demand. It might retain fixed revenues in respect of some villagers or *parganas*, and revise the demand for others. For some *istamrari* villages and *parganas* the assessment remained fixed for considerable lengths of time, but others were revised every two to five years.<sup>4</sup> The terms depended on the political relations between the zamindar and the state—on the loyalty of the zamindar or the power and influence of the government.

Murshid Quli Khan (1700-1727), reassessed the revenue machinery and zamindari institutions, in Bengal *subah*, and his methods were adopted in principle by the East India Company before the Permanent Settlement. Moreover, when the Permanent Settlement was introduced over wide areas of Bengal Presidency, there remained tracts in Bihar which were not included; in some areas it took half a century and more for the Company's government to complete the process. In the district of Tirhut the Permanent Settlement was made gradually as late as the 1830s and 1840s. Even with the raja of Darbhanga, the biggest zamindar of Bihar, no settlement was concluded until 1799. Moreover, the great estates in Bihar, such as Hathwa, Bettiah, Ram Nagar, Madhuban, Tekari and Dumraon, evidently came to terms with the Company's government for the protection of their mutual interests. There were also certain peculiarities in the administration of Bihar under the Company. In the first place, in the Bihar districts, the Company's government hardly experienced any financial deficit; indeed the surplus provided regular supplies of money to the Commercial Resident of Patna for the Company's annual investment, and also to various other districts to meet deficiencies. The reasons were the great fertility of the soil, and the increases in production under the influence of European capital, supplied by European indigo planters, and by the Company for opium and saltpetre.<sup>5</sup>

In the long revenue history of the zamindari estates, the British administration is thus linked to three interrelated processes - continuing peasant cultivation, a new production of raw materials for British-owned manufacturing enterprises, and the retention of a system of revenue collection based on a feudal control of peasants by landlords. At independence, therefore, there was not simply a traditional, backward peasantry which had to be 'modernized' by benevolent elites. This was an old agrarian system harnessed to the interests of international and, later, domestic capitalism. The system of tenure was conducive to a low level of investment in agricultural technology and infrastructure; it was a structure which was pervaded by exploitation from top to bottom. Continuities and institutional factors thus played an important part. In agricultural production and distribution the persistent factors were caste and class distinctions, and the division of labour, but above all patterns of ownership over productive property, most especially land but also including marketing and distribution. Against this one considers variable inputs - law and order and revenue systems, that is, the political process both formal and informal through which the State acquired its particular complexion. The structure of agrarian society reflects the way in which numerous interest are accommodated in a scale which reaches from the tiller of the soil to the highest authorities of the State.<sup>6</sup> It was the integration of the zamindars, tenants and State authority that are to be known as zamindari system, and which this thesis examines. The zamindars of Bihar in the nineteenth century came, as said, from hereditary revenue farms with full administrative authority over the area under their control. In the pre-British days independent or semi-independent Chieftains who had been given independent authority were peshkash-paying subordinate allies or *mansabdars* of the empire.

The zamindars of the British period were derived from the above classes in Bihar, and hence retained a sense of legitimate authority and absolute right in land. The concept of 'land to rule' was in the mind of the zamindars and the government. The British administration made certain

innovations but maintained the hereditary ownership of land. Therefore, the idea of absolute authority, control over both the production and the producers, was common to both British administration and the *zamindari* system. In addition to these social and economic inequalities, the capitalist mode of production created various other dominant groups - rich peasants, *thikadars*, *mahajans*, money-lenders and village merchants. On the other hand, the *rai-yats*, and agricultural labourers who were the victims of the intermediary groups, also remained the back-bone of agricultural production. Each level of society exploited weaker sections.

The basis of the exploitation was that, in a caste and economic hierarchy, and under a rental system as with a capitalist mode of production, the subservient peasantry was bound to part with surplus, and to supply *begar* or bonded labour. Maurice Dobb's idea of feudal hierarchy as the basis of social structure and economic relations is very relevant here.<sup>7</sup> Later analyses of class formation and economic relations in the light of historical materialism have also opened up new thinking about the linkage between various social groups and their economic status. In this context, D. D. Kosambi has analysed the social problem on the basis of his understanding of the ancient tribal society, of how a food-gathering tribe was absorbed unto the food-producing agricultural economy, as a lower economic group. He finds how the transition from one phase to another interrelates with social and economic distinctions as the basis of caste on Indian society.<sup>8</sup> The occupational specialization itself makes the sub-castes inferior once they had adopted a labouring occupation in agriculture. In Bihar, of course, the status of each individual was decided by caste within each range of villages, and linked also to his economic power. R. S. Sharma describes as 'feudalism' the main features of social formation, caste hierarchy and appropriation of economic surplus in ancient Indian society; the key is the overall control of production by a segment of society, the upper castes. He notes that a "servile peasantry is characteristic of a feudal society"; but also that kin based or tribal society was superseded by State and class-based society.<sup>9</sup> The same

phenomenon can be seen repeated in modern times. In the nineteenth century in Bihar, the concept of caste as a hierarchy based on the direct appropriation of surplus, and on bondage and slavery, was institutionalised through the various social, economic and administrative measures of the land system and the judicial administration of the British.

What was constant was that, in North Bihar, the upper castes (Brahmins, Babhans or Bhumihars, Rajputs and Kayasthas) continued as the dominant groups in land-control, production and distribution. The old hierarchy of caste based on birth and ritual status (including the medieval Muslim aristocracy) remained significant in both zamindari and occupancy right. Its monopoly over landed property and economic power created a large gap between the lower and upper castes. Nonetheless, cultivating castes, namely Koeri, Goala, Sheikh, Sonar, Nonia, Teli, and Lohar, created a middle rank, including (with some, usually more prosperous, high-caste raiyats) the majority of the occupancy tenants. The even larger numbers of agricultural labourers were drawn similarly from socially and economically depressed castes. Some of these, with other caste occupations, were too poor to maintain their families except by field labour or service. Their subservience was increased by their economic dependence, including that which resulted from hereditary debt.

To some extent this very considerable match between caste and occupation and income, was repeated in the access to other advantages. Only some of the higher castes, for example, were sufficiently educated to be engaged in the management of agriculture, or employed in village administration and in government offices. Rajputs were less educated than the other three upper castes, but then they were also more dominant in landed property in the western part of North Bihar where they were concentrated. In the eastern part Bhumihars were more dominant notably in Saran with the Hathwa maharaja and his allies. Brahmins were scattered all over the North Bihar with Maithili Brahmins predominant in some areas, such as Darbhanga raj, where poor Brahmins were generally taken into the service of the zamindar as goraites, barahils, lathials, peons and bodyguards. They helped the officials in land disputes with



truculent tenants and litigants. They also collected cesses, *salamies* and various kinds of illegal *abwabs*. The Kayasthas were mainly concerned with the maintenance of accounts, diaries, *Khatas* of zamindari estates. They worked as *patwari*, *quango*, and *amin*. Some of the well-educated Kayasthas were employed in high posts in the government offices. In some areas they acquired the status of landlords,<sup>10</sup> for example by investing the proceeds of service.

The Bhumihar caste formed a category of the landed aristocracy in almost every part of Bihar. The big zamindars of Hathwa, Bettiah and Tekari were all Bhumihar, as were many rich peasants. They were not on good terms with the Rajputs ~~with~~ whom they competed for dominance. There ~~was~~ frequent violence and court cases due to agrarian disputes between these two castes.

There were some prosperous raiyats among the middle castes, the *Goalas*, *Kurmis* and *Koeris*, who were skilled agriculturists and occupancy raiyats. The castes of *Baniya*, *Teli*, and *Sonar* were money-lenders and traders. Some were also engaged in agriculture. But mostly they were involved in rural credit, holding mortgages of land and jewellery and claiming heavy interest.<sup>11</sup> To some extent they dominated the rural market and controlled the grain-trade. The village *hat* was the main centre of their business.

Caste consciousness played a vital part in the society; when prosperous *Goala* and *Kurmi* peasants were oppressed by the upper castes, physical violence could occur. There was rivalry between Brahmins and Bhumihars, as the latter tried to occupy the social status of the former.<sup>12</sup> Above all, the position of the lower castes was precarious. Mostly they formed the group of non-occupancy raiyats and landless agricultural labourers. Their oppression by rich peasants and proprietors was based on the principle of caste-ranking as well as economic status. As Mandelbaum says, the economically well-off groups acquired ritual hallmarks to raise their relative position in the hierarchy.<sup>13</sup> Over time, however, the reverse was also true in North Bihar: inequality originated from caste, through its impact on land-tenure and occupation.

Status was thus inextricably linked also to the next problem to be discussed, namely, the rights and interests of different classes in land, tenancy and rent. The nature of landed property under the British as expressed in the Fifth Report was that the land belongs to the zamindar and the rent to the King.<sup>14</sup> The main idea of individual land ownership was, as said, alien to Indian society, but as it became effective it influenced the status of various elements - zamindars, tenants, and landless labourers. The last of these had no rights in property in law. Who was the true proprietor of the land in Bihar: the estate, the zamindar, or the cultivator? The conclusion must be that, in practice, it was he who extracted the surplus of the produce. This was done on the basis of customary or legal rights in collaboration with the State and with the help of a band of intermediaries. This exercise of the controlling power, identifies the 'owner' of the land. However, individual rights, rents and performing other obligations could be remodelled under a changing legal system.

North Bihar's tenurial structure was similar to those of Bengal and the North West Provinces. The four major districts of Darbhanga, Muzaffarpur, Champaran and Saran had both small and big zamindars. We have already mentioned the Maharaja \_\_\_\_\_ of Darbhanga, the Maharaja of Hathwa in Saran, the raja of Bettiah in Champaran, and the raja of Ram Nagar in Motihari, who all dominated their areas. The Darbhanga raj extended also into parts of Purnea, Bhagalpur, Saharsa and Monghyr. However, in Muzaffarpur, there were small estates where many resident proprietors owned villages. In the south of Saran, too, small estates predominated, and the same was true of the southern part of Darbhanga where there were many intermediaries and small zamindars. Again, there some small estates in the south east of Champaran district.<sup>15</sup>

Moreover, even on the large estates there were many small sub-proprietors who were given the right to control the *mauzas* (villages) and collect rents. They were often allied by kin or caste to the zamindar of the main estate.<sup>16</sup> According to the Settlement Officer many of the small

proprietors in the district of Muzaffarpur derived from an indigenous group of *khurdia maliks* who styled themselves proprietors. They belonged to the high castes, Brahmin, Bhumi-har and Rajput. Their status and holdings were greater than those of the petty proprietors of other districts. They also acquired land by acting as co-shares<sup>r</sup>, paying rent for the parts held in excess of the extent of their interest. Varieties of tenure-holders and intermediaries, the *thikadars*, and *mukarridars*, also acted as zamindars.<sup>17</sup> European indigo planters took advantage of this role. Generally tenancies were more complex towards the East. There were systems of joint management of estates in many regions.<sup>18</sup> In such cases the settlement of revenue was made with the proprietary body and generally paid by the head of the family. Individual responsibility occurred when these estates were divided.

In the later half of the nineteenth century, a sharp tendency for the sub-division of proprietary estates was found in the North Bihar districts. The encouragement of sub-division and the creation of small estates greatly increased the number of petty proprietors. Along with the systems of local control, for the maintenance of records, and for the collection and enhancement of rent, this accelerated the worsening of landlord-tenant relations. It also led to the mismanagement of estates. The joint proprietary estates were not broken down only because of internal polarisation in the families, but because the new revenue and rent regulations created various complications. For the same reason disputes between zamindars and raiyats came to be solved less by mutual understanding than by legal proceedings. The interest of proprietors in their *zirat* land increased. They let such land on *thika* to the tenure holders who extracted higher rents from the raiyats. A further complication was provided by zamindars who held proprietary status at the time of the Permanent Settlement but were unable to strengthen their position. Their proprietary status was superseded by that of a stronger zamindar but they received *malikana* in recognition of their previous status. Some small proprietors who owned a few

hundred acres of land and had a few villages under their control, but whose revenue demand was less than Rs.100, also survived as decaying proprietors. The result of such survival, of the partition of estates among various *pattidars*, and of the minute vested interests of the proprietors in land, increased suffering for the poor raiyats. Their number increased, according to the Survey and Settlement operations in the late nineteenth century, but their condition worsened. They were made to pay enhanced rents and various kinds of *abwabs* to their proprietors.

The *pattidari* system, though it could work well, <sup>19</sup> also complicated the management of estates. It tended to increase the rent demanded by the zamindar. The share of the rent was divided between the co-sharers of the joint proprietary estates according to their geneological relation. But those who had settled the revenue of the village first with the government, took the major portion of the rental income, and also paid more revenue. The rental income of the zamindars of jointly managed estates was higher than that of the divided estates. But the partition of estates could also assist the intermediaries and usurious classes who controlled production in the guise of tenure-holders and village *mahajans*. The changes brought under the legal system, and the creation of petty estates merely added to a protracted process of expropriation of the maximum surplus from the producing class.

The size of the holdings of the various categories of land-holders and tenants differed from district to district. The estates of some proprietors extended to hundreds or thousands of acres. The holdings of tenants varied considerably. Those in Champaran had bigger holdings on average than their counterparts of Saran and Darbhanga, where, however, holdings were even smaller than in Muzaffarpur. Virtually all the cultivated area was held by tenants. The *zirat* land of the proprietors was leased out to tenure-holders and rich farmers or fixed-rate raiyats, though it was legally the private land or homestead farm of the zamindars. It was land of good quality from the point

of view of productivity as well as income. According to Hunter, the size of holdings in Tirhut varied also from north to South. Holdings of rice land were larger in the Northern part; seven to eight acres were standard. The largest holdings were eighteen to fifty acres, but very few raiyats possessed this much. The southern parts of North Bihar were more productive, and the holdings were smaller—ranging between four and thirty acres. In effect any raiyat who possessed a large acreage approximated in status to a proprietor. The agricultural labourers, by contrast, possessed at best tiny holdings. Hunter suggests they ranged between 0.37 acres and 1.48 acres, while a poor cultivator would have between 0.74 and 6.66 acres, and well-to-do cultivator would occupy between 10 and 30 acres.<sup>20</sup>

The main feature in the later nineteenth century, however, as shown in Dufferin's inquiry and later in the Settlement operations, was that the            holdings in all categories, of landholders as well as raiyats, were very diverse in <sup>size</sup> ~~in~~. None the less, as a general rule the holdings of the cultivating classes were shrinking and those of the <sup>land</sup> holders were increasing. The landless labourers' and agricultural labourers' condition deteriorated from bad to worse. The Bengal Tenancy Act of 1885 did not affect the size of holdings for each class of cultivators and landholders which it defined. Nor, accurate though the Settlement Reports may be in revealing the situation at one time, do they fully show the changing pattern of cultivation, the transfers of raiyati holdings, and the worsening condition of some landlords and tenants. The tenancy legislation was not based on a distribution of land according to need, and the record of rights was the only device in which the legislation provided for preserving the right to occupy land as long as the rent was paid. Finally, it is also important to note that, if the caste-wise distribution of holdings is observed, the holdings of upper castes were considerably larger than the lower castes.

We have already referred to the fertility of the alluvial plain of the Gargetic basin in North Bihar. The southern and western parts of the region were the most productive. Their alluvial and calcareous soils were suitable

for food crops such as rice, maize, wheat, pulses, oilseeds, vegetables, tobacco and chillies. The more northerly lands in the area were not calcareous and were less fertile. They required irrigation for the cultivation of paddy and were used for the millets, *marua* and *chinna*, and for other food crops.<sup>21</sup>

The cultivators had their own methods of defining the nature of the soils. Generally they were divided into *bangar*, *bhit* and *goenra*. *Bangar* soil was found in low lands inundated by rainwaters. It was a hard clay suited for the cultivation of rice in winter. *Bhit* soil was found in the south of the region; it had a mixture of sand. These lands were above the level of the Ganges, and there was no fear of inundation. The *goenra* soil was found in the uplands of the villages. If well manured and cultivated it produced good crops. The costliest lands were those most readily supervised by the cultivators.<sup>22</sup>

The high and low lands had different cultivation systems. *Bangar* lands were useful for winter rice, whereas *bhit* lands were valued for other food crops and cash crops. In Bihar, there were three main harvests: the *aghani*, the *rabi* and the *bhadoi*. The winter crops called the *aghani* were sown in May or June and reaped in November. The chief crop of this season was rice. The *bhadoi* crops, generally sown in June, were harvested in August or September. The chief crops of the season was maize (*makai*), but it also produced a sixty-day rice called '*sathi*,' and millets, *marua*, *Kodo*, and *sawan*. *Rabi* was the spring harvest; the crops, sown in June and July, were wheat, barley, oats, gram, pulses; *arhar*, *masur*, *matar*, *khesari*: they were reaped in March and April. Sometimes two harvests were combined in one, and practice depended on the nature of the soil. On *bangar* soils *aghani* rice was the major or only crop of the year; it could be followed by a harvest of the ordinary kinds of *rabi* crops such as *Khesari*, a food generally used by poor peasants as a pulse and as a paste of ground flour and water eaten with salt. But in *bhit* areas, *bhadoi* was the major harvest and cash crops such as indigo were grown. In the same agricultural year *rabi* crops such as wheat and barley were also sown on these lands, which made them specially useful and valuable. The peasants' economic prosperity depended more on the *bhadoi* crops than on others.<sup>23</sup>

The following table shows the distribution of the main harvests in North Bihar in 1900 in each district of North Bihar in each category of harvest.

Table 1

Percentage distribution of harvest (by area) in 1900 in  
North Bihar

District	Aghani	Bhadoi	Rabi	Do-fasli	Non-food crops
Darbhanga	62	27	47	37	15.79
Muzaffarpur	48.1	38.2	60.1	46.4	11.5
Champanan	38	46	55	39	17.8
Saran	34	38	48	39	14.4

Sources: Darbhanga Settlement Reports Para 319  
Saran Settelement Reports Para 387  
Muzaffarpur Settlement Reports Para 711  
Champanan Settlement Reports para 405

The table shows regional variations. *Bhadoi* was relatively important in Saran, while the *aghami* crops dominated in Darbhanga. The *rabi* was most important (by acreage) in Muzaffarpur and Chamaparn. The food crops were produced in larger quantities in Saran than in Darbhanga which produced more non-food crops. In Muzaffarpur *rabi* crops were grown after the *aghami* rice had been reaped on the poor *banger* land. In Saran the *rabi* crops were produced on fertile uplands, and thus were more valu able than those of Muzaffarpur. The table suggests too that Champaran produced a high proporition of *bhadoi* crops; in fact this district concentrated more on rice growing than Muzaffarpur did. Generally Champaran was subject to flooding, and therefore rice was produced as an autumn instead of winter crop. 24

The Northern parts of the area were more dependent upon *aghami* crops than those in the south. Indeed North Bihar had two agricultural regions. Indigo plantations were especially important on good soils in Champaran, parts of Darbhanga, and Muzaffarpur. Another variation, as already suggested, was the liability to flooding. Thus *bhadoi* and *rabi* crops were more important than *aghami* on the low lands. In the northern part of the area near the Little Gandak river in Muzaffarpur, there was little high ground, and annual floodings fertilised the land for varieties of crops other than rice. The southern

tracts were just opposite but hardworking cultivators and prosperous farmers could sometimes produce four good crops in a year.<sup>26</sup>

Ancient methods of cultivation were the practice in North Bihar. Local manufactured implements were used for ploughing and sowing. Cow dung was used as manure to some extent in Saran, but much less elsewhere. The *Goenra* lands were well manured. Buffalo dung was used generally as manure by Koeris, Goalas and Rajputs for good crops. The lack of regular manuring in the nineteenth century meant that productivity varied from one area to another largely according to the fertility of the land. The cultivators depended largely upon nature. One exception was Saran, where, because manure was much more widely used, productivity was much higher than in other districts by the beginning of the twentieth century.<sup>27</sup> The other exception was cash crops. In Darbhanga, for example, manure was used (if at all) only for such crops as tobacco, potatoes, sugarcane and opium.<sup>28</sup> The fertility of lowlying alluvial soils which produced much of the winter rice, was maintained by floodwater.

The estimates made in 1876 by Mr. A. P. Macdonnell about the *bhadoi* and *rabi* crops suggest an average outturn for *Bhadoi* rice of 12 maunds per acre and the same for *marua* and *makai* (maize). This estimate was supported by cropping experiment during the Survey and Settlement Operations in Darbhanga district in 1896-1903. Indigo productivity per acre was a little higher in other districts than Saran. The figures of *rabi* grains were eight maunds in Madhubani and Sadar subdivisions, and twelve maunds in Tajpur. This estimate too was confirmed during Settlement Operations.<sup>29</sup>

Irrigation was not widely available to the cultivators in the nineteenth century. In Saran district some lands were well irrigated. Generally *Kaccha* wells were used in *bhit* lands dug with traditional implements. There was some irrigation in Darbhanga also, but very little as a general rule in Champaran and Muzaffarpur. But oxen were used to lift water for irrigation of *goenra* lands and in Champaran, Sitamarhi, Madhubani and other parts of Darbhanga, canals (pynes) were



built to carry water to the paddy lands. There were also tanks in Mudhubani constructed for the irrigation of paddy crops in winter. None of this was sufficient for bad years when the regions suffered drought.<sup>29</sup> In short, the peasants irrigated only those lands which gave them high value. They believed that if they irrigated all the lands, the nature of the soil might be changed and they might have to arrange for irrigation throughout the year.

It remains to list and briefly describe the legal changes which will be a background to the more detailed discussions in the Chapters which follow. The laws and administration of the British are a necessary context for this study. In the decades following the battle of Plassey and the political expansion of the East India Company, the bureaucracy and land revenue administration were reshaped. The Company remained no longer a trading organisation but a military and political suzerain, subordinate to the government of Great Britain. In 1765, the grant of *Diwani* of the Province of Bihar, Bengal and Orissa vested in the Company the power for land revenue collection, and ultimately for control of        production and the protection of the interests of the zamindar. The Company's government became well acquainted with the land problems and production relations among the various producing classes of the society. They proposed to halt the decline in agricultural production by restoring the traditional power of the zamindar within the social and economic hierarchy, and by limiting the immediate gains of the government. A series of new regulations were promulgated before the final Decennial Settlement of 1789 and the Permanent Settlement of 1793, which extended the influence of the zamindars under the Company's government, and supported their power against their tenants. It is now recognised that this did not everywhere destroy tenant rights. Peter Marshall says ~~that~~ after the Permanent Settlement in the North Bihar districts, the expansion of agricultural lands allowed privileged raiyats among high caste Hindus and Muslims to improve their conditions,<sup>30</sup> thus creating or increasing a band of intermediaries.<sup>31</sup> On the other hand the persistence of an impoverished mass of small cultivators, under-tenants and share-croppers in the post-

Permanent Settlement period can be traced to the legislation . Moreover, the new class of landed gentry, as desired by Cornwallis, differed in character from the hereditary and ancient zamindars. Their position in the early years of the Permanent Settlement was deplorable due to the sudden increase in the financial liabilities placed upon them.<sup>32</sup> In most parts of North Bihar, the small zamindars had to mortgage their estates in order to pay off the debts. While agricultural prices remained low in the last decade of the eighteenth century, many zamindari estates were sold in Bihar.<sup>33</sup> By increasing the aggregate revenue demand, the British also added to the burdens of the poor. Exactions from raiyats increased under the nominally fixed assessment of the Permanent Settlement.<sup>34</sup>

The mainstays of the zamindari system were the supposed *pargana* rate of rent and village administration with the help of *patwaris*; the main feature was the absolute proprietary rights of the zamindar before the Act X of 1859. The security of the raiyats was hardly taken into consideration. The *pargana* rate in particular was no protection. The zamindars collected illegal cesses with the help of village officials, who also dishonestly manipulated the records. But the first half of the nineteenth century was also a period of experiment with laws to eradicate various anomalies in landlord-tenant relations. Steps were also taken for the improvement of revenue administration, and, temporarily, with the institutions of *pa\_twari*, *quanungo*, and *amin*. But the majority of measures were designed to assist not to control the zamindars, and none of them greatly altered the legal or administrative position in the permanently-settled areas.

The issue of protecting the raiyats began to become more prominent from the middle of the century, when the growing commercial and industrial aims of the government were thought to necessitate new measures for the protection of the producing and rent-paying class. In 1855, the Lieutenant Governor of Bengal, Halliday, observed the suffering of the raiyats of Champaran, and the high handedness of the zamindars, *thikadars* and planters in the eastern parts of the

North Bihar districts. The result of this new concern was the introduction of the Rent Act, X of 1859, intended to improve landlord-tenant relations and strengthen the position of raiyats, through a definition of their rights, and by placing restrictions on landlords' power to enhance rents and evict their tenants. It was spelt out that raiyats were entitled to hold land as long as they paid rent. Those raiyats who had been holding land at a fixed rate since the permanent settlement or whose rent had not been changed for twelve years, were entitled to hold occupancy rights. On the other hand, however, those raiyats who had held land for less than twelve years were tenants at-will. The enhancement of rent was not completely forbidden by law, even at the discretion of zamindar regardless of whether or not the productivity of the soil had increased or agricultural prices had gone up.

Between 1859 and 1885, the law did not impede the enhancement of rent, the use of the power of distraint, and the transfer of raiyats' rights both by the courts and by arbitrary methods. Agrarian relations, particularly as expressed in indigo and other disturbances, continued to cause concern, the more so with the development of communications and the commercialisation of agriculture. Various suggestions for reform were made, including some in the Indigo Commission Reports. The pressure was increased by the uncertainty in the judiciary about the law in cases of landlord-tenant relations and occupancy rights. The Famine Commission of 1874 also recommended that the relations of the raiyats and zamindars should be placed on a permanent footing. District officials added their voice. Malony, Commissioner of Patna Division, recorded that the levying of illegal cesses, the exaction of arbitrary enhanced rents, and the forcible termination of occupancy rights, were widespread in North Bihar.<sup>35</sup> He suggested a record of rights and changes in the methods of rent collection.

The Bihar Rent Committee was constituted in September 1878. It recommended separate rent laws for Bihar along with general measures, all introduced in the Bengal Rent Bill of 1882. This was modified in the face of opposition from the zamindars and other interest.<sup>36</sup> But the eventual enactment,

the Bengal Tenancy Act of 1885, was still a great land mark in the agrarian history of North Bihar.

The main objective of the Act was the improvement of agricultural conditions through the maintenance of equitable landlord-tenant relations and the protection of the occupancy rights of the raiyats. It made elaborate provisions for the occupancy raiyats, defining their rents and the power of zamindar. Moreover, anyone, whether resident or non-resident, who held land for twelve years in a village (not necessarily the same land), was a 'settled raiyat'. The zamindars' power of distraint was curtailed. The enhancement of rent on the basis of contract or suit was restricted by law. Provision was made for survey and settlement operations and for the preparation of a record of rights. It was also provided that ordinary *raiya* land could not be converted into *zirat* (or <sup>e</sup>~~deme~~) land: this had occurred in order to deprive the raiyats of his occupancy rights. Non-occupancy raiyats were allowed to hold land as long as they paid rent fixed by the court, but could be ejected if they failed to pay a properly enhanced rent. Landless cultivators and agricultural labourers had no place under the rule provided by this Act.

The power of the zamindar was now restricted but still he had the protection of law to collect rent, and the support of the court in punishing a failure of payment. *Abwabs* were declared to be illegal but were still collected. In particular, the Act did not attempt to link the occupancy right with actual cultivation. The alienation of *raiya* rights and the enhancement of rent still continued. Hence the new law rather accelerated the growth of intermediaries with its greater open opportunity for the acquisition of *raiya* rights by substantial tenants. This advantage was underlined by the maintenance of a record of rights, and by the setting of fair and equitable rents for those secure, rich tenants who could sustain the bargains with the zamindars made in the law courts.<sup>37</sup> The occupancy rights provided a rich resource for the expansion of landholding interests.

The land record and survey and settlement operations from the decade following the Bengal Tenancy Act and several other legislative measures adopted, certainly contributed to the

clearer determination of the proprietary interests of North Bihar. Thus a measure devised in order to improve agricultural prosperity, helped maintain landlord and tenant relations on the established footing, and to strengthen the hierarchic foundation of the society, adding to the domination of the proprietors that of the more prosperous class of tenants. Sir A. P. Macdonnell pointed out in his historic minute about the importance of the survey and settlement operations, that the zamindars of the North Bihar had a rental income of about 2½ crores of rupees in the late nineteenth century, probably five times the total of the time of the Permanent Settlement. But their net income was perhaps 80 times greater.<sup>30</sup> Thus the growth of proprietary interests now merely supplemented the wealth derived from trade, money-lending and investment in commercial agriculture. Again, the small raiyats and landless labourers had no place in this competitive agricultural market.

The growth of population and the pressure on the land was declared to be the reason for the poverty and landlessness of many in North Bihar. Thus emigration and migration reflected pressure, especially in the later decades of the century. But the economic decay of the agrarian society could be said to consist in exploitation of the forces of production, weakness in agricultural technology, and dominant control of the means of agricultural reproduction. Above all, the great and increasing inequalities restricted more than a marginal growth in production. These inequalities were by-products of agrarian policy. Legislation complicated landlord-tenant relations, bringing into being diverse groups of raiyats and *maliks*. But there was no corresponding transformation of agriculture. The new capitalist enterprise was based on medieval zamindars incorporated into a colonial land system. At root the hierarchy, the technology and the lot of the producing classes did not change overtime.

## CHAPTER II

### ZAMINDARS

#### Dominant Social Classes and the Formation of Agrarian Society

Zamindars formed, dominant social and economic group of agrarian society in North Bihar. In order to examine the role of dominant social groups, it is necessary to look into another aspect. Was cultural dominance the source of social and economic dominance? Various factors are involved: relations of production, institutional factors, the nature of the ruling classes, demographic trends, ideological trends and others. A sociological approach based on the principles of tribal society hardly helps the understanding of a peasant economy or agrarian society. In a peasant society, the two main problems to articulate and characterise are the mode of production, and relations amongst the peasants, that is amongst the majority of the population. Above this we are concerned with the management of land, the production of soil and the payment of tax out of surplus: these were the principal sources for the sustenance of non-producing classes in the pre-capitalist society. The advanced agricultural settlements produced substantial surplus which created favourable circumstances and led to the rise of dominant classes whose power was based on status and wealth; the over-all picture was one of exploitation of the producers by a powerful few at the top. The formation of classes in terms of the mode of production and the distribution as well as appropriation of surplus created a feudal society.' Before the formation of feudal society, occupations defined in terms of caste and on the principle of division of labour were very prevalent in ancient society, and this practice did not change much over time. The nature of the caste system rather became more rigid when upper castes withdrew from direct production and lived on surplus. The burden of taxation therefore, increased on the lower castes: the *vaisyas* and *Sudras* and artisans.

Since the first century of the Christian era, the mobility of various tribal groups and the intermixture of foreign elements created some of the dominant upper castes and certain ruling tribal chiefs, who became a part of Hindu society. They showed the attributes of warriors or dominant groups and gained the patronage of *Brahmins*. In this category we find a number of ruling dynasties in north, south and eastern parts of India such as Rajputs and various others. This status was passed on right from the early medieval to modern times.

The social stratification based on caste, occupation, heredity and custom reduced social mobility and created greater rigidity in terms of food taboos, marriage and social and cultural barriers. The resultant large gap between the upper and lower castes, backed up by land and revenue grants to the upper castes, allowed the delineation of a landlord class and a cultivating class. In such a society the landlord collected taxes from the peasants, effectively on the basis of having a charter or land grant from the state — the cultivators were bound to pay these either in cash or kind or in labour, even though they were in actual occupation of the land. The cultivators were a subject class under the growing power of elites and local officials. Land tax and services in the form of farm labour were not extracted from cultivating classes in order to promote agricultural production but to provide for the consumption of the elites. Production from the land was the essential service ideologically or from a religious point of view, obligatory on the part of the producing classes for the benefit of the landlord class. It was legal to get surplus produce from peasants, though force was likely to be used. On the other hand, production in this agricultural economy, was intended to suffice for local needs and for the payment of rent. Salary was paid generally in kind, as the market economy was very little developed. The salaried classes were connected with services in religious, military, political and administrative institutions and they were remunerated through the grant of plots in the case of lower functionaries, and through grants of revenue from villages

for the higher functionaries. Socially, hierarchical difference and impurity, regulated through the *varna* mechanism, created a sharp distinction between landlords and peasants even in agricultural production. The upper castes were thus dominant through the control of the resources of production: land and the labour of the cultivating classes.

In Kautilya's *Arthashastra*, share-croppers are found to be subservient to rich peasants, and exploited both socially and economically. When *mahattas* (rich peasants) grew into local landlords living on rents and benefitting from the services of the common peasantry in the village community, a relation between both was established on the basis of social hierarchy. The social stratification based on 'varna' (*Brahmins, Kshatriyas, Vaisyas, and Sudras*) was itself a dominant factor in the course of the evolution of agrarian society. The important question in this regard is the role of upper *varnas* and lower *varnas* in the overall management of production and in the sharing of the surplus.

Land and population determined agricultural production. Forms of property and the idea of proprietorship in the villages and in rural administration were very much present under the Hindu rulers, and continued in the Mughal and British periods. According to one view, communities were self sufficient and people were parochial. Social mobility was limited because technology was simple and only suited to handicrafts. Education was restricted to the upper strata of society. Caste hindered all-round social mobility. Thus according to this view, agrarian society was authoritarian and hierarchical. Other views emphasise the fact that Indian society developed an economic structure based on a variety of agricultural and craft production, a market system of inward and outward trade, taxation by regular assessment, with record keeping, and a state-controlled military and administrative machinery. A systematic hierarchy of officials obtained in the judicial and fiscal systems. Bankers, traders, money-lenders and village officials existed right from the ancient times to the Mughal and British periods. All created a complex society.



The view of unchanging villages was developed in the latter eighteenth and nineteenth centuries, based partly on the study of classical texts in Sanskrit, Pali, Prakrit, and Persian. A central idea was that the Brahmins formed a dominant group in Hindu society and in a manner shared political and military power of the other upper castes. Indian society was seen to be static and timeless. Scholars such as Sir William Jones and William Robertson saw society from the point of view of the occupational roles of various classes and the maintenance of class hierarchy. Accordingly the East India Company applied Hindu Laws while deciding court cases and running the administration. They thought Indians would be best governed under their own law rather than under British law. The judges held that in the past Indian society had better laws and patterns of life which had been distorted by the intervention of foreign rule. On the other hand the missionaries thought differently. They believed in reforms and wanted changes in society.

William Jones and others did not pay adequate attention to political organisation, land tenure and the functions of the legal system and commercial structures. It is possible however to see the role of the British in terms of the gradual discovery and interpretation of information about India. The agrarian society of the Bengal provinces of which Bihar is a part was more complicated than that of any other province. Warren Hastings' efforts in collecting revenue documents and records pertaining to the previous rulers and land-holding classes of Bengal, provided an opportunity for getting to know the various aspects of Bengal agrarian society. Experienced officials such as James Grant and John Shore made efforts to examine the nature of the rural society of Bengal before the enactment of the Permanent Settlement in 1793. The writings of William Tenant, a military Chaplain (1804), provided much knowledge about the social and agricultural practices in upper India and about the occupations and earnings of various castes: carpenters, blacksmiths, potters, chamars, Ahirs, Bhats (genealogists) and Brahmins. The descriptions by T.H. Colebrooke (1806), and his report on the agriculture of

Bengal and Bihar in the form of statistical material, provide good information about commercial crops such as cotton, indigo and sugarcane, and attest to the agricultural prosperity of the regions. Colebrooke was convinced that the caste system and religion did not hamper the development of agriculture and manufacture. The statistical survey done by Buchanan Hamilton at the instance of the Court of Directors (1807), during his seven years work in various provinces in Eastern India and Mysore also provide valuable information on agriculture, ecology, land, population, the nature of tenures, trade and commerce, dress, food habits, caste and society. He provides information on various aspects of the lives of peasants, farm labourers, the size of their families and household, their standard of living, their customs and the type of their land tenure. He interviewed the people in villages through local officials, and examined the question of occupation and class differentiation, as well as religion and rituals, for four districts of Bihar (Patna, Bihar, Shahabad, Gaya). The East India Company became equipped with social, economic and cultural information which moulded the task of officials and law-makers; an official view came to exist of the caste and class character of agrarian society which was to be applied in tenancy laws in the nineteenth century.

The importance of the British endeavour lay in the supposedly scientific method of investigation they employed. The detailed account of the caste system was adopted by the British on the basis of information given by Buchanan and others, and it was then published in district manuals and histories from the mid-nineteenth century onwards.

The *Statistical Account of Bengal* edited by W.W. Hunter in the early 1870s, and the Provincial and Imperial Gazetteers of India at the beginning of this century, also provided detailed classification of castes and categorised the various occupations, customs and marriage-ties of its members, as well as defining their role in society. Census Reports also covered a wide range of social, economic and cultural differentiation. From 1872 onwards they

recorded the main characteristics of each and every caste in the society; the Brahminical theory of the origin of caste was very much adopted. The principle of 'varna' was given the shape of 'caste' as an effective unit. Like in many rural areas in India today, it was the endogamous unit, not the exogamous one which the administrators thought of as the effective one in the social system<sup>3</sup>. In the official view of the government's ethnography, caste was a matter of separate castes and their customs. This view was applied in effect if not in name, in land legislation and judicial interpretation, to famine relief operations, and in the cadestral surveys, even when the record of rights was being made for tenants.

The view of Henry Maine about the village community, and B. H. Baden Powell's account of land and tenants, formed an important part of the legislation on rent collection and the protection of tenants' rights. In the later 19th century Baden-Powell recognised that in general that were two claims on the produce of the soil, the State's and the land-holder's. He argued that the state employed various agencies from village to district level, for the collection of revenue. Generally, these officials were remunerated by a land grant which, by turning into a hereditary holding, created 'ownership' of the land. At a later stage revenue farmers also converted their claim to the collection and payment of land revenue into 'ownership'. In addition, land rights were established by conquest or the government's subjugation of villages. Despite this acquisition of land by government officials, Maine and Baden-Powell's underlying idea with regard to individual property was that it developed in stages from tribal to family and individual ownership. This idea was adopted in the law. It implied that the property of a landlord and his individual ownership of joint villages, should be traced to his descent from a single family; thus it also justified his pretensions to be of high caste.<sup>4</sup> These assumptions defined the hereditary rights of landlords for legal purposes.

In such ways agrarian society was thought to be based on 'varna' or caste hierarchy; 'jati' was supposed to define

traditional occupation, rituals, social behaviour, marriage, food habits and customs, all of which were very much kept in view by the administrators when dealing with land tenures and the various classes of landholding interests. This was true in the late nineteenth century legislation in the Bengal Presidency, and was particularly acute in the Province of Bihar.

In a recent study, Ronald Inden has criticised the notion of caste as a 'substantialised' agent of Indian civilization.<sup>5</sup> Whatever the shortcomings of the European interpretations, however, class differentiation is undeniably an important feature of human thought and material life and culture in the Indian context. The caste system like others was based on heredity and hierarchy. The 'varnas', or castes, were arranged in a ritual ranking from high to low. The natural qualities of human beings were qualified by the social and material environment into which they were born.

The dominant classes and clans had the upper hand at the head of a hierarchical social order. The state on the one hand and non-privileged producers on the other were practically joined by the local controlling authorities, whether called *maliks* or *zamindars* or *landlords*. The privileged class had better claims with regard to tax, and were paid tribute from the cultivators and merchants. Over all the dominant upper castes derived their power from their inherited position and also from the State: through the administration, as professional military men or from land-grants and revenue collection.

The position of a landholder in Bihar can be analysed on the basis of documentary evidence found in the eighteenth century, which says that a person who held four or more ploughs, was called *halmir* and controlled cultivation and its extension. But those who bought new lands under cultivation were called *maliks* or *zamindars* or proprietors of the soil. The words *Jotdars* (used in Bengal), *Kriṣaka* and *Kisan* used in eighteenth century documents and even earlier had almost the same meaning as free peasant cultivator: 'they might or might not cultivate

land but were responsible<sup>n</sup> for carrying on cultivation. The evolution ~~or~~ growth of zamindars has an historical dimension like other elements of the agrarian society. Smaller zamindars were off-shoots of more powerful zamindars, having possessed the customary right to private land and revenue villages at the instance of the big zamindars. The position of zamindars was strengthened in the centralized State as a result of an increase in their local influence and their ability to manage large portions of land and control cultivators. This feature was found under the Delhi Sultans as well as in later periods under the Mughal<sup>h</sup> rulers.

The zamindari right under the Mughals, although organised on the basis of caste, clan and local influence, was not stronger than in the later periods. But the key to zamindari influence was the relationship between their role as revenue collectors and controllers of peasant production, and their social status on the basis of caste. In addition, because they were utilized to maintain law and order, develop agricultural production, and protect the administrative zones of surrounding villages from external aggression, they played an important part in pargana administration. They often formed a part of the Mughal nobility, being offered *mansabs* and sharing administrative power. But it is necessary to add<sup>that</sup> the zamindar in any one place represented a particular family and a particular caste; he held the zamindari right on a hereditary basis over large tracts of land. Moreover, apart from such primary zamindars, the intermediary zamindars generally also derived from the caste groups, including *khud-kasht* raiyats who held proprietary rights and thus shared political power. Thus they maintained law and order in the village with the help of their retainers, extracted revenue, looked after irrigation work, and ensured the distribution of the land tax assessment. In turn the services rendered by the intermediary groups of zamindars gained them various perquisites, including revenue-free lands, cesses and *Muhasilana* or *Jaribana* (measure<sup>re</sup>ment tax or tax for the collection of land revenue)<sup>7</sup>. It was of course obligatory on

the part of the intermediary zamindars to satisfy their superiors who were directly responsible to the Mughal empire or the state. In return, apart from the *nankar* (revenue free grant), intermediary *zamindars* received a certain percentage of revenue ranging from between 2½ percent to 10 percent called *khidmat* (service). Sometimes they were also given a lower-rate assessment of revenue. But their customary right of inheritance was always maintained. Therefore, any privilege owned by the zamindars or *maliks* in Bihar can be regarded as a delegated part of the services or *khidmat* which all subjects were required to render to the State.

The great zamindars of the Mughal period independently acquired zamindari rights over vast tracts of villages controlled by intermediaries and *khud-kasht* raiyats and on several occasions they declared themselves chieftains. They also clashed with the imperial authorities on occasion and could be reduced to the position of inferior zamindars with their *mansab* cut drastically. They were also oppressive to the lower grade of proprietors, that is, *khud-kasht* raiyats. The intermediary groups of zamindars gained much importance as revenue farmers during the time of Murshid *quli* Khan (1st half of 18th century) and even in the later period, when they were given full administrative power over the areas assigned to them subject to regular payment of the stipulated revenue. The administration was not always successful in the attempt to keep in touch with the *zamindar-an-reza* (the small zamindars or proprietors, rich in resources who controlled village revenue).

The most important and highest in status of the great zamindars were the ruling chiefs or chieftains of the independent or semi-independent *mansabdars* of the empire. They formed an important part of Mughal administration whether they originated as nobles or as autonomous rulers. Their influence and extra-territorial rights over vast tracts of village land inhabited by raiyats was overwhelming: they controlled a large number of intermediaries as well as various other small zamindars. Basically they supported the administration, the revenue, the military

system and agricultural production in all respects. They were supposed to look after the interests of the *khud-kasht* as well as of the non-occupancy raiyats. Observation of the imperial structure of the Mughal administration reveals that both at provincial and central government levels, chieftains were found in the hierarchy. Governorships and military commands were conferred on them as *mansabs* and they received substantial grants of land, in the form of *jagirs*. The *jagirdars* formed a class including chieftains, who held military, social and economic power. This was hereditary as well as dependent on the good will of the emperor. Their main duty was to collect revenue from the hereditary classes of intermediary zamindars; they too formed a class of landlords.

The *jagirdari* system of the Mughals developed into a stronghold of the hereditary ownership of property in the form of revenue villages, apart from the 'homogenous class' of proprietors and landlords who were also strong in each locality. The hereditary dominion of chieftains created an aristocracy, a class of lords controlling the soil. On the other hand some of them held this position even before the Mughals, as we find in the case of a few 'maharajas' of Bihar. Under the Mughals, all these rulers and zamindars were subjected to the imperial revenue regulations on the basis of the actual production of the land. The Mughals absorbed them into the administrative machinery, making them responsible for the land revenue and making use of their influence in the social hierarchy. They were well equipped to deal with the subordinate classes, and thus they usurped the maximum landed property.

The intermediary zamindars in areas under the effective control of the administration were able to hold their position as long as they collected revenue and paid it to the government. The administration of Bengal 'subah' in the second half of the 18th century comprised the zamindars including the category of original proprietors, the hereditary revenue farmers and *talukdars*. All of them formed a class, conscious of their status and supremacy although they were known by a variety of titles. Such was the

legacy of the Mughals. It was found to be very useful to the British for identifying the status of each class of land holder at the time of the Decennial Settlement and later on when the Permanent Settlement of 1793 was introduced in Bihar.

These general features can be observed in greater detail in the origin and development of the big zamindars of North Bihar, who held a hereditary dominion as autonomous chiefs, namely the houses of Darbhanga, Bettiah, Hathwa and a few lesser ones such as Ramnagar in Champaran and so on. It is evident from the old records of revenue *firman*s of Mughal times that these 'rajas' gained zamindari rights as a result of *khidmat* (services) as head of *mauzas*, as the *chaudhari* of the pargana, as military chiefs (*mans<sup>ab</sup>dars*) and as *amalguzar* (revenue collectors). In North Bihar where we find a number of cultivators, we also find non-cultivating *maliks* as absentee-landlords. The zamindari right was both *malguzari* and *Khidmat gari*.

The Raj Darbhanga developed out of *Chaudharai* and *qanungoi* rights in the *Sircar Tirhut* during the time of Emperor Akbar. He granted a *Jagiri* to Mahesh Thakur, the chief called *Mahinath*, who became the founder of the Raj in Darbhanga. Mahesh Thakur was a scholar and man of influence; he extended the zamindari *milkiyat* into the districts of *Purnea* and *Bhagalpur*. The important factor in this expansion was not only the influence of this individual but underlying developments in land revenue management, administration and the control of subordinate proprietors and raiyats under the suzerainty of the *raj*. High caste was not as important in the case of a big zamindar as physical force and military prowess, the real instruments of zamindari control.

The zamindaris of Hathwa and Bettiah were also maintained on the same line as the Raj Darbhanga. The hereditary ownership of landed property by these zamindars was based on the principle of *Khidmat*. These rajas like the Raja of *Banaras* belonged to the same caste of *Bhumihar* or *Babhan*; at one time they had been military chiefs. The



Hathwa Raj traced its history as a ruling dynasty back to ancient times. In modern times the status of the Hathwa raj is revealed in the register of the *Subahdar* (Governor) of Bihar, Nawab Hushiar Jang, for the Fasli year 1180, corresponding to 1773 AD. Then called Hussainpur, under its Raja Fateh Sahi, it comprised the major portion of Sircar Saran, including more than 4,650 villages, 1,640 estates and 15 *parganas* under direct control. In addition it included 297 villages which at that time were revenue free. The assessment from the remainder was a little over Rs. 9,36,201, only a small increase during the year 1765 over the assessment made by the Mughal administration. The Raj Hathwa had its main influence in the north west of Saran in Shahabad, and in Champ<sup>a</sup>ran; it established ties with the chiefs of Banaras, Gorakhpur and Champaran. There is no doubt that the predecessors of the Hathwa Raj must have served as *amalguzars* and chieftains under the Mughal rulers and thus extended their sway over vast territories. The *Sircar Saran* had the best revenue administration during the time of Akbar in the 16th century. Various small zamindars seemed to have come up as a result of *qanungoi* grants in return for collecting land revenue.

At the time of the Decennial Settlement with the East India Company, the chief of the zamindari estate, Fateh Sahi, did not accept the terms and conditions of the company in settlement of revenue demand and rebelled against the company. The property of Hathwa Raj was seized in 1790, and handed out to one of the recognised minor branches of the family whose head accepted the terms and conditions of the revenue demand. Therefore the title of 'Raja' of Hathwa was conferred upon him. The management of Hathwa Raj developed into a Kingdom, like Darbhanga Raj, reinforcing the hereditary rule of autocracy''.

In 1765, when the East India Company acquired the Diwani, Bettiah Raj held the largest territory under its jurisdiction. It consisted of all of Champaran except for a small portion held by Ram Nagar Raj. Bettiah Raj also came into being as a result of *malikana*, *Chaudharai* and *Qanungoi*; the connection with the revenue administration

building on local dominance and the capability of controlling and protecting hundreds of villages. Internal disputes and family quarrels divided the Raj in course of time. Madhuban Raj was created as a consequence. But Bettiah Raj was the oldest in the region, and has also been a branch of *raj rayasat Sarkar Champaran* since the 16th century (the time of Shah Jehan), when the raja of Bettiah was Ugra Sen Singh. His descendants succeeded in getting the title of maharaja only when the East India Company became sure that this big zamindar was ready to accept their conditions of <sup>n</sup>maintaining the management of the estate, paying the settled revenue, and improving the agriculture of the occupied land<sup>12</sup>.

When the Permanent Settlement was made, it was with only six zamindars in Champaran. One of the tendencies of British administration was to increase the number of zamindari estates (not only in Champaran but in almost every part of Bihar and Bengal) because the Company fixed a certain amount of revenue to be paid and expected it punctually. In default the zamindars would become victims of the sale law. Many of the small zamindars who promised to pay revenue at the time of the Permanent Settlement failed to do so. Gradually the zamindari estates were divided. The position of the zamindar by 1800 was quite different from that in the mid-eighteenth century. Even some superior zamindars who had had real power and influence had been ruined. Indeed their hereditary overlordship had been reassessed. In such assessments, the East India Company considered that original proprietors should be given priority in the first instance.

On the other hand in the North Bihar districts, the big zamindars were recognised as hereditary chiefs with exclusive zamindari rights. If it was difficult to come to terms with Bettiah, it was just as hard with the Madhuban and Ram Nagar estates which had broken off from Bettiah Raj. The British became eager to settle with Bettiah, in order to save it from further distintegration.

The growth of hereditary revenue farmers and revenue collectors from the middle of the 18th century led to the creation of a vast number of intermediary zamindars. They were in effect off-shoots of the big zamindars and subordinate but rich *Khud-Kasht* raiyats who consolidated their position on the basis of caste and social influence. They also posed as independent proprietors of hundreds of acres of land to get zamindari rights. Since social and economic power seemed to be the main criterion for the distribution of zamindari right, most of the people in this category were well placed to get zamindari rights. Most of them must have worked as *kazis*, *qanungos*, *Patwaris* and other revenue officials under the administration of the Nawab in Bihar, and manipulated their position to grab hundreds of *bighas* of land. This was after all the value of social prestige, obtained by those who held certain influential positions.

These conflicting claims to customary land rights were the main problem faced by the framers of the land legislation under the East India Company in the Presidency of Bengal. Since all of them claimed customary rights in land and enjoyed various privileges (such as access to revenue-free grants, right to cesses and tax-collecting, and local influence) the subordinate land controllers were often granted zamindari rights. In North Bihar, they came under the categories of *Chaudharis*, *talukdars*, *mukarn<sup>ar</sup>idars*, *maliks* and other petty proprietors. The British recognised two categories of *talukdars*: those who paid land revenue direct to the district treasury, and those who paid it through the bigger zamindars. The *talukdar* in the first category had substantial privileges, while those in the second category who had paid a fixed revenue for twelve years, on the basis of an assessment made before 1765, were regarded as protected.

Whether zamindars and talukdars were the actual proprietors of the soil was a matter of great controversy among the authors of the Permanent Settlement. The grant of Diwani had created a period of transition, where one could find various types of land tenures and tenure holders,

village *mahajans*, *malguzars*, *birts*, holders of *mukarrari* tenures, *thikadars* and so on, each differing in rights of proprietorship, in status, and in actual practice. We will return to this subject at a later stage while dealing with the Bengal Tenancy Act of 1885.

The owners of most of the tenures and *mahals* in Bihar were known as zamindars, and it is a fact that zamindars existed as revenue collectors in the regularly administered territories during the 18th century. Some survived until the enactment of the Permanent Settlement in 1793. John Shore, one of the authors of the Permanent Settlement, regarded the zamindar as neither a 'proprietor nor a vassal but a compound of both—the zamindar performed acts of authority unconnected with revenue collecting (*malguzari*) or even land owning rights, while the raiyat had rights without real property'<sup>13</sup>. Moreover, the rights of each party — government, zamindar and raiyat—were in great measure held at discretion, and subject to political and economic realities. After the grant of Diwani in 1765, the position of the zamindar gradually came to be confirmed in legal terms because of the attitude and actions of the East India Company. In part this was a restriction of zamindari and chiefly rights, which in custom might leave very little room for the government of the East India Company; hence under a more formal system, the rights of zamindars and raiyats came to be fixed by the positive law. On the other hand it might be said of course that the Company had still reserved a zamindari right (as *malikana* and some other tenures) even when settling the *malguzari* right with the highest bidder, and that this reservation was given full effect in the Permanent Settlement (or really the Decennial Settlement). Thus Philip Francis and his friends marked the victory for the opposition to revenue-farming. In any case, as is well known, the authors of the Permanent Settlement sought to parallel the status of landlords in England in the Bengal Provinces. Hence an absolute proprietary right in the soil was given to the zamindars, and it was confirmed that this privilege was to be

hereditary. Similar treatment was accorded to all payers of land revenue, under various systems, down to those *talukdars* of the United Provinces who were restored to their lands after 1858.

Yet the question of whether *zamindars* and *Talukdars* were the actual proprietors of the soil remained a matter of great controversy, particularly among those who introduced the *raiayatwari* system in the Madras Presidency. It seemed that the function of the government revenue collector was being grafted on to persons who were thought to be the actual proprietors of the soil. Already before 1793, the functions of government officer and of land controllers had been blended, so that it was difficult to determine the actual character of the existing functionary, known as zamindar. Certainly in Bihar, many zamindars had a higher status than that of collector of land revenue. Their rights were hereditary and transferable, and their *malikana* (proprietary) right was always admitted whenever they were dispossessed of the management of their land: they would receive a certain percentage of revenue, or sometimes would retain a portion of the land in lieu.

What was the relation of this zamindar, to Government and to the tenants under the Permanent Settlement? Until recently it has usually been claimed that throughout the Permanently<sup>en</sup>-settled areas, the law introduced was in the nature of a perpetual contract, under which the government would relinquish its quota of produce, due in cash on every *bigha* of land, in return for a permanent money rent. The persons with whom the settlement was made bound themselves to pay the demand without preferring any claim, nor applying for suspension or remissions on account of drought, inundation or other calamities of the season as Regulation I of 1793 put it (see particularly Section VII). By this contract, the government professed to be displaying the highest good-will toward its subjects. However, the *raiayats* were placed in the position of being absolutely dependent upon the zamindars. They were allowed no right of occupancy in the soil, though they might have been residing in their village for years. The only right given to them was to

-

cultivate land at the mercy of the zamindars. Such was the legal position under the Permanent Settlement of 1793.

It was clear, thus, that the government was not disposed to interfere with existing proprietors. The Settlement was intended (in theory, though this was not the immediate result) to make the land revenue as light a burden as possible: this could be accomplished only by setting it at a fixed rate. It was supposed, too, that each proprietor would thus be induced to improve his lands, because his profits would increase in proportion to his exertions and in this way he would be able to pay the public revenue in an improved and regular manner. It was thought that when the zamindar was strong and solvent, he would benefit from such policies. Raiyats and agricultural labourers had no place in the regulation however. It is quite true then that the Permanent Settlement, in providing an assessment of the states' share and a recognition of proprietary rights, also gave full recognition to the zamindar's right to let his lands at will. The only exception was lands which were comprised in any *mukarrari* holding (vide section 52 of Reg. VIII of 1793, Section 49 of Reg. VIII of 1793). We have noted too, for Champaran, that there were pitfalls for the zamindar. If he had no idea of supply and demand, and failed in the payments of revenue, the regulations took care that he would suffer. And yet above all the reality of the position of the zamindar depended on the agrarian society. In North Bihar the landlords were absolutely powerful when supported by their own caste-men, and through the exercise of their local social and economic control. The new legal position merely gave them the sanction to enjoy the position of local ruler which they might have been long enjoying. It backed it up, and defined it as absolute by modern law.

In the later development, and in interpretation made on various occasions while amending the regulations of the Permanent Settlement, this absolute authority of the zamindar was never fully and effectively contested. Nonetheless by the late nineteenth century, it came to be argued that absolute authority did not mean complete control

by the zamindar over the life and property of their subordinate raiyats; it meant no more than the right to receive a fixed portion of rent. It was said that the intention of the regulations had been distorted by the zamindars as well as by the administrators and the courts because of their failure to define the interest of the raiyats in 1793. Moreover, it was argued, there had been customary rights for a body of *Khudkasht* or resident raiyats which the Permanent Settlement had failed to recognise. Now it is evident that raiyats' rights in the India context were not carved out of the proprietary right of the zamindar. As Henry Maine said, all interests in land in England were theoretically derived from the fee simple of the landlords. It is true too that the zamindar's position as defined by the Permanent Settlement was very similar to that of English landlords<sup>14</sup>. Yet the government's contribution in Bihar had been to support and further an existing situation in which the raiyats were completely dependent on the zamindar. Only to the extent that there was a recognised privilege in practice for the raiyat to hold a piece of land on which they resided or which they cultivated, can thus be said to have been replaced (except in law) under the Permanent Settlement, by the recognition of zamindari property alone.

The purpose of the Company was to extend cultivation and reshape the village economy to maximise revenue. The permanent assessment was thus to be made only with proprietors or *maliks* who could bring profits in cash and kind. The measure of success enjoyed by this strategy is sometimes overlooked. The burden of the population on the soil of North Bihar districts was much more than in any other parts of Bihar or than in some parts of Bengal and much interest was taken by cultivators in bringing more area under cultivation from the end of the 18th century. But if this helped the proprietors in coming to terms with the British system, so did the fact that, as shown in the records and correspondence of the district officials of North Bihar, the Permanent Settlement was not made at a stroke in 1793. In effect, it took fifty years to settle permanently with the proprietors in Bihar. Of course, large

tracts in North Bihar were settled in 1793, especially with the big zamindari estates. But some areas were declared as "unsettled provinces", and recorded as such in the district records of Tirhut until the 1830s and 1840s, especially where proprietary interests were very involved and *maliks* of various categories had come up. The delay in initiating the Permanent Settlement was due to <sup>the</sup> large number of small estates which <sup>had</sup> come into being from 1750s onwards. These estates speedily came to terms with the zamindars, an adjustment which (in some cases) made it difficult for the authorities to decide whether Settlements should be effected with the actual proprietors or with farmers. Moreover, the zamindars of Tirhut were very obstinate and class-conscious, they were often recusant in coming to terms with the Company's government.<sup>s</sup>. But above all there was a large number of revenue-free tenures in Tirhut and Saran, regarded on a temporary basis under the new regulations as new, separate estates. Eventually, great attention had to be paid to resumption proceedings both on long-existing and newly-created estates. The Board of Revenue decided to grant Permanent Settlement to the proprietors of resumed lands without any long delay. Instances, were found in Saran where rent-free tenure had lapsed in some cases, and Settlement had not been made. Because rent free-holdings were so very numerous, the completion of the Settlement procedure was delayed, and the full impact of British land legislation was postponed until the middle of the nineteenth century. The number of estates covered in each year was not less than a hundred either in Saran or in Tirhut. The proprietors of these estates remained strong enough, moreover, to resist any encroachment against their local authority. The Company's servants took a flexible attitude, and gave them farming leases from year to year pending the resolution of their status. In this way the landholders also were enabled to come to terms with the eventual settlement. The process helped perpetuate a large number of village-level proprietors in the North Bihar districts. Indeed this was the case almost everywhere in Patna division.



In the aftermath of the Permanent Settlement and until 1859, the changes introduced by the British were most likely to provide more power to the land-holding classes: they were mostly designed to ensure regular collection of rent from the raiyats. To the British at this time, landlord-tenant relations were of interest mainly to ensure that there was no failure in revenue payments. Hence arbitrary eviction and repressive increases were adopted for the realization of rent as part of a broader control over the production of the land. Although throughout the period the raiyats enjoyed certain rights to land and its produce, these were subject to the good-will of the *malik* which in turn depended on the specific economic and political conditions pertaining at the time. In the earlier period, as long as there was not much pressure on land, the rights of landholding tenants were respected, but when there was a shortage of cultivators, the *maliks* in attempting to ensure the maximum cultivation, saw to it that the tenants found it difficult to leave the estate, etc. The resultant social and economic dominance of the earlier period increased after 1793, though on a new basis in law rather than on the old pattern of zamindar right. Arbitrary enhancements of rent were common, in spite of various attempts in the Patta Regulations and other measures to improve matters. It was not in the landlords' interests to control or eschew malpractices. The British may have thought that fixing the land revenue would also restrict the demands of zamindars, or as was later suggested, that a restriction of rent increases had occurred hitherto through the operation of the *pargana* rate. The British had sought to adopt some measures to restrain the zamindars, but in North Bihar, given the authoritarian basis of social relations and the dominance of zamindars and their agents, tenancy reform was unlikely to succeed. In any case none of the tenancy legislation before 1859 reduced the crucial legal power of the zamindar, that of distraint. Nor could any change be expected in this respect while the principle of extracting surplus in the form of revenue through the institution of a landed gentry called

'proprieters' guided policies. Such a policy would not lead to a rethinking of the occupancy rights of raiyats or to the peaceful settlement of landlord-tenants relations.

Eventually, however, the British decided that it was necessary to moderate the large scale suppression, arbitrary enhancement of rent and eviction of raiyats, as well as the imposition of various kinds of *abwabs* (cesses) by the zamindars. Diagnosis of the problem was complicated by hierarchy and the dominance of the rich over the poor in the society. But it was concluded that it was colonial policy based on an English view of private property, maintaining a superior class of proprietors and inferior class of tenants, which was changing the agrarian structure and altering the mode of production, thus sharpening the gap between the two classes. The government turned towards limiting the power of the proprietors through legislative measures. In Bihar, this might have meant adjusting the legal advantages of various elements of the society—*maliks*, *thikadars*, *mukarraridars*, tenure-holders, *jeth raiyats*, *birtadars* village officials, such as *patwaris* the other officials of the proprietors, and all those belonging to intermediary classes. The provisions of the Act of 1859, however, concentrated on providing an occupancy right for the resident raiyats who had held land continuously for twelve years; it was supposed that they had had this right, earlier, and that through this law their rights were being brought closer to those of the zamindars. The act also placed various restrictions on the power of zamindars, restraining them from ejecting raiyats, enhancing rents, and using oppressive methods of rent collection.

This occupancy right for the tenants of zamindars was not recognised in reality. One reason was the British view of society as essentially made up of only two classes. In north Bihar districts, proprietors seldom let out their lands directly to the raiyats. They farmed out estate management to the *thikadars* or lease holders for stipulated periods. On the expiry of the term, the landlord, as a rule, demanded an enhanced rental. Such instances were particularly found in the areas of indigo cultivation, but

also elsewhere. More important still, the growth of usury and of rich peasants, represented an expansion of quasi-zamindari rights in the villages; including an expansion of holdings under peasant proprietors. The control of production at the lower level came virtually into the hands of rich peasant farmers. The growth of usury in the later half of the nineteenth century accumulated the fragmentation of the proprietary interest. On the one hand, there was a sharp growth in disputes over rent, boundaries, produce sharing, the payment of *abwabs*, and the performance of services for the *maliks*. On the other hand, the Rent Act of 1859 provided enough power to the zamindar under the law to go to court against his raiyats, and, still within the law in some circumstances, even to transfer one raiyat's holding to another. The Act defined three categories of raiyats: raiyats at fixed rates, occupancy raiyats, and non-occupancy raiyats. But in practice it did not curb the growing power of proprietors or intermediaries, but merely offered some devices, though providing occupancy rights, to help tenants of a certain privileged class, thus undermining the remainder who were effectively non-occupancy raiyats and tenants-at-will.

One reason for an acceleration of proprietary interest at the same time as its sub-division was that the burden of the revenue demand on proprietors was steadily decreased from the mid-nineteenth century onwards as a result of the growing market economy, the rise of agricultural prices and the increasing cultivation of commercial crops. The major portion of this income went to the proprietors and intermediaries as rents, but also to rich peasants who avoided increases: the burden was always on the cultivators.

While landlord and tenant relations were a matter of great concern in official and non official circles, judicial verdicts<sup>c</sup> favoured the rights of zamindars, and on occasion cautioned the government against violating proprietary rights. The result was an exaggerated estimate of those rights. In a case in Calcutta, Sir W. Muir asserted that, while in theory all existing rights (of tenants as well as

landlords), should receive equal attention, and while the well-being of the cultivators was always to be taken into consideration as a matter of principle, in practice the position of tenants had started deteriorating because the 'English idea of proprietorship was allowed to obscure the important limitations to which, in India, proprietorship was subject, and a tendency arose for the landlord to become an absolute owner and the cultivator a rack-rented tenant at a competitive rent.'<sup>17</sup>

In fact in the existing law before the Bengal Tenancy Act of 1885, there was no definite provision defining the relations of landlord and tenant, whether as regards the recovery or the enhancement of rent. Where the landlord was powerful, therefore, it was because he utilized his influence and hereditary rights which had been recognised under the Permanent Settlement and in later periods. However, by the time the Tenancy Act of 1885 was in embryo the district officers always considered the landlords to be oppressive. A.P. Macdonnell, officiating collector of Saran highlighted two points - one the well-known abuses in the collection of rent, and the other the zamindars' unlimited right of sale of their holdings which was a real encroachment on the right of resident raiyats to occupancy 'co\_terminous with the *mowzah* they lived in'.<sup>18</sup> As for rent, the officials were especially critical of the *bhaoli* system under which zamindars took more than half of the produce from the raiyats - MacDonnell was in favour of money-rents - but even so, in major parts of North Bihar, where money rent was already prevalent, they considered that the land system still "suffered from almost every abuse calculated to depress agricultural prosperity", and complicate the relation of zamindar and raiyats.<sup>19</sup> Priority was given to limiting the landlord's power as an answer to the agricultural degradation of Bihar.

But, though the Bengal Tenancy Act of 1885 clearly limited the legal rights of proprietors, and professed to protect the tenants, it left untouched the right to transfer land, and a large part of the rental system. Above all, it ignored the fact that the structure of zamindari formed only

a part of a network including government officials, estate managers, and the village hierarchy, which established a linked control over production, both through the extraction of rent (or payment of revenue) and by the accumulation of wealth and its investment in commercial activities. We will consider the different elements in this system one by one, beginning with the zamindars themselves.

The zamindar formed a unit of the district administration; his estate was part and parcel of the government's revenue structure. In a feudal set-up, administrative control was necessarily privatised even if the government officials worked for the estates. The British endeavour was certainly towards saving the estates from disintegration. Some of the small estates were split up and eventually sold out for arrears of revenue, but the majority retained their integrity. (In the late half of the nineteenth century, too, as we shall see, a considerable number of sub-proprietors expanded their territory at the cost of superior zamindars). The expansion of the number of proprietary estates in the late nineteenth century resulted mainly from the changing land legislation and extension of the settlement operations.<sup>20</sup> It hardly mattered whether the area of proprietary land expanded; there was created the jumble of minute proprietary interests including joint *pattidari* estates and disputed estates, which was characteristic of various parts of North Bihar. It represented a process of change in the nature of local control and in relations between zamindar and raiyat. In the process, the proprietary right became an institution created or sanctioned and eventually consolidated by a well-defined body of laws, <sup>21</sup> however much the dominance of caste continued to help maintain its powers.

Nonetheless any change in the customary relationship between zamindar and raiyat was regarded as improper by the former. The zamindars expressed their displeasure over legislative interference, and sometimes prevailed upon the government for concessions. The government believed in giving a free choice to the zamindar in the management of

production, and refused to give absolute protection to the raiyats for fear of reducing the efficiency of production. This view (recorded by a Settlement officer of North Bihar, Stevenson-Moore) creates some doubts about the impact of law, if the overall production of the land and the traditional farming methods are considered carefully. Cultivation was an on-going process, performed by peasants, and controlled by the zamindars through their proprietary rights. The zamindars hardly contributed to or participated in production. They invested capital only in the later periods of the 19th century when the sugar industry, indigo, tobacco and other commercial crops became more profitable to them. Contrary to current beliefs, zamindars were not eager to add to their demesne lands, the only significant exceptions being the indigo planters. There was rarely a zamindar in Bihar who did not practise different indirect methods of exploitation. Generally zamindars received rent from the raiyats for demesne lands too. This was a fixed share of the produce; by custom, they did not change raiyats so frequently on these lands. The social behaviour and economic power of the zamindars was thus signified in their extraction of surplus from the separate production of the raiyats. This was also the basic principle adopted in law since the Permanent Settlement, and changed neither by the Bengal Tenancy Act 1885, nor at a stroke, by the survey and settlement operations. It was backed by a range of zamindari rights: to the free sale and purchase of estates, to the sub-division of estates among share holders, to the alienation of raiyati rights, and to the unfettered management of the estates. Any legislative measures encroaching upon these interests was thus derogatory to the prestige of a zamindar in Bihar.

**Partition of estates:-** In the late nineteenth century, the sub-division of proprietary right as a result of partition of estates was enormous in the North Bihar districts. The process greatly increased the number of zamindari estates. During the survey and settlement operations in the late nineteenth century it was detected that the partitions carried out before the Bengal Tenancy

Act, 1885, on the basis of old records or when no record was maintained, provided no evidence of the protection of raiyat's right; on the contrary, given the enhancement of rent by zamindars, it seemed that partitions were designed to destroy the rights of occupancy raiyats. The tendency of the proprietors was always towards occupying more demesne land, its cultivation managed through the agents or leased out; the tendency was especially apparent after the Batwara Law of 1876. The interest of the government was confined to securing the revenue and covering administrative expenses,

The increase in the number of proprietors raised various problems for the raiyats; first of all, each tenant was likely to have been paying rent to two or more proprietors, as his holding was fragmented among proprietors. Rack renting and land disputes between proprietors and raiyats increased. Moreover, undivided ownership tended to imply closer supervision. While estimating the rents, the proprietors took regard of the quality of the soil of different plots, and assessed the annual value of market rates and *nimaksair*, and the produce of trees as well. When the sub-division of estates had been done several years before, no original rent rolls of the partitioned estates were provided by the proprietors, and enhanced rents were virtually always paid by the raiyats. Not only were *raiya*t rights set back, there was low productivity or problems with cultivation, because their holdings also shrank in size, and they were generally found in various places in one village or several villages.

The advantageous position of zamindars was thus maintained in many ways. No fixed principle of partition of estates by zamindars was adopted even after the Act of 1812. The Revenue Sale Law of 1859, and Partition Act of 1876 and simultaneously, Land Registration Act of the same year, increased partitions on one hand and the sale of estates on the other. The reason appeared to be the non-payment of arrears of revenue and also the sub-division of estates among various members of the family. But they included transfer of proprietary rights in order to save the estate

and the zamindar's prestige in the society. By the later nineteenth century, the advantageous position of the zamindars was plain, in the high prices realised from the sale of estates. Prices amounted to 41 times the government revenue in Darbhanga, as compared with 30 times in Muzaffarpur and eight times in Saran.<sup>22</sup> In this process some of the estates were absorbed into other estates and being sold due to arrears of rent; but most of the rich estates survived, and expanded in later periods.

The partition of estates in the North Bihar was of course a problem and not simply a boom for zamindars. Yet the number of estates partitioned and their increase in each year does indicate how proprietors were tending to prefer individual rather than collective ownership of landed property. The following tables show the growing number of estates between 1879 and 1900 in four districts of North Bihar, and the incidence of partition proceedings.

<u>Table-2</u>				
Year	Darbhangā	Muzaffarpur	Saran	Champaran
1879 - 1880	8,257	13,001	4,069	1,006
1884 - 1885	9,315	15,696	4,230	1,060
1889 - 1890	10,813	17,501	4,559	1,105
1894 - 1895	12,329	19,016	5,023	1,189
1899 - 1900	13,457	20,191	5,345	1,232
-----				
	Over 62%	55%	31%	22%

Percentage of increase during the 20 years.

Sources: Survey and Settlement Operations in the district of Darbhanga 1896 - 1903, para 102.

The average number of partitions had been found to be more in the districts of Muzaffarpur and Darbhanga than the districts of Saran and Champaran.

<u>Table-3</u> Average number of Partitions per annum				
Districts	1866 - 67 to 1875 - 76	1876 - 77 to 1885 - 86	1886 - 87 to 1895 - 96	1866 - 67 to 1895 - 96
Saran	27	25	34	28
Champaran	7	5	7	6
Darbhangā ) Muzaffarpur)	134	253	105	204

Source - Survey and Settlement operations in the District of Champaran, p. 43.  
The recorded increase was greatest in Darbhanga, the rate being even greater there than in Muzaffarpur where petty





proprietors were already very numerous. In Saran many estates were also partitioned but mostly privately with mutual consent. In Champaran the big zamindari estates and various types of tenure holders especially in the indigo plantation areas, tended to keep the number of estates down.

This rate of increase shown in the table occurred despite government attempts to reduce the numbers. The Estate Partition Act, VIII (BC) of 1876 forbade any partition which would create a separate estate with a revenue assessment below Rs 10: (the previous limit had been Re.1) any co-owner, whose share fell below the limit, could seek partition through the civil courts while remaining jointly responsible for the revenue.<sup>23</sup> On the other hand for administrative convenience some measures actually sought to speed up *batwara* procedures. The applications by proprietors required full *Jamabandis* including details of the estate's area and the boundaries of plots. This restriction if strictly enforced, would have reduced the number of applications especially in the district of Darbhanga, but it was removed by the Commissioner of Patna in January 1884.<sup>24</sup> Applications were received even if the above information was not complete. Moreover, a Special Deputy Collector was appointed to dispose of the *batwara* cases.

Thus, new applications for partition cases increased every month. The proprietors had manifold advantages after partitioning their estates. Their joint owners gained an independent land right, but mostly then belonged to the same caste or joint family. The partition as such did not necessarily reduce the group's local influence. Rather it could increase it. According to the Bengal Tenancy Act of 1885, when an estate was partitioned, the relation of proprietor and tenant was exclusively established between the separate owner and each tenant. Besides, when a tenant who had paid rent to the proprietors of a joint estate, was wholly included within one of the separate estates created by partition, such a tenant was only bound to pay rent to the one new proprietor.

Naturally the co-sharers who partitioned their private estates, becoming several proprietors, each became entitled to rents from a particular area. The Estate Partition Act, V of 1897, attempting to remedy a hidden evil in the system, provided that no tenure or holding could be split up for the purpose of a partition unless it was necessary to do so in order to make the partition equitable (as between the proprietors). The Act also provided (5.83)<sup>that</sup> any land held at a fixed rent on a *patni* or other permanent tenure, should be assigned to one of the successor estates, or left unassigned and held by all the co-sharers of the parent estate proportionately. In practice, however, even after this Act, the tendency was for *raiya*ti holdings to be partitioned almost as many times as the estate; in the minute and complex landholding pattern, the tenants were likely to have to pay rent to all the petty proprietors separately as a result of the partition of an estate.

The partition of estates was an excuse for enhancement of rent and an expression of the social and economic dominance of the co-sharers of the parent estates. There was much scope for such partition.

The survey and settlement reports of the late nineteenth century revealed that within each *Khewat* number, there could be several proprietors holding the estate jointly. Since the same proprietor appeared for various estates, the names were not repeated, but a record of them was maintained. After partition each proprietor formed new holdings and prepared a new rent roll; he fixed rent on the basis of old rates having consulted, if he wished, the old *Jamabandi* papers. The level of the rents lay within the power of the proprietor as provided by Tenancy Law. The sale of an ordinary *raiya*ti tenancy for arrears of rent was also permissible under the rules; the enhancements of rent due to partition rather increased the ejection of *raiya*ts from both occupancy and non-occupancy holdings, particularly those belonging to the lower castes.

Of course, there came a point when partition resulted in such small estates as to be counterproductive. But then

they rather revealed the complexity of the situation than increased it. In Saran 21 percent of the total estates were partitioned, but the average number of proprietors in each privately partitioned estate was found to be 23. In Muzaffarpur, it was 17. Moreover the Saran revenue roll showed that there were 5,398 estates (5,372 revenue paying and 25 revenue free), where the survey and settlement records showed that there were 12,114. The discrepancy was due to proprietors or estates having lands in more than one village. Partition could actually help rationalise this situation.

Here too we need to make a distinction between large and small estates. The largest estates were protected against sub-division from the later 19th century, but smaller estates went on increasing in number. They were however part of the sub-proprietary interests which were also growing. There were at least ten kinds in Saran and six kinds in Muzaffarpur (though these figures were below the average for the Bengal Presidency as a whole). Thus the partitions which created a large number of petty proprietors, could also increase the number of intermediaries in the undivided areas of the great estates of Hathwa and Darbhanga. Such proprietary interests were much nearer to the superior raiyats than the big zamindars. The holder of such an interest, locally known as a *malik*, was owner of a *patti*, a division of the estate. He worked as a village *mahajan*, lent money to raiyats and offered mortgages on their land on a *zerpesgi* (usufructuary) basis or for a term with high rates of interest. He also exacted various types of *abwabs* apart from the rent, and arranged for thumb impressions from the raiyats on *pattas* prepared by the zamindar's *patwari* in the village. As he then controlled the *pattas*, he could, if he wished, conceal the exact amount and might collect at a higher rate or later claim interest for arrears. We will return to petty *maliks* of various kinds later. The point here is that partition increased their number or effectiveness.

Another long term reason for the proliferation of small estates was the resumption of (revenue free) land grants. In

fact, before the Permanent Settlement and down to 1819, some revenue free lands were assessed, but the results were very incomplete. After Regulation 1819, however, *lakhiraj* grants were systematically resumed for revenue; these arrangements were not all finally regularised until 1895. *Lakhiraj* included *bukmi* grants by Rajas and big zamindars to small *maliks* and tenure holders. During the settlement operations in the late 19th century and also in the course of partition proceedings, further invalid *lakhiraj* areas were discovered and resumed with arrears of revenue.

The sub-division of proprietary interest had proved advantageous to the proprietors and their allies; it was undertaken, in short, when it suited the dominant local interests. Conversely, and for the same reason, it also happened at the same time that several estates were joined together, and joint estates or *Shamilat fauzis* resulted in most parts of Bihar. This could occur when proprietors acquired rights by purchase or otherwise in another estate in the same village or in other villages. The *Jamabandis* would be amalgamated, and one estate gradually absorbed into another, until no one could point out which lands originally belonged to whom. The government's policy too favoured the amalgamation where possible of petty estates under a single *tauzi* number, implying a single revenue demand. Such estates could be held *Shamilat* by a single proprietor or a set of proprietors. The official view was that it was economically disastrous to go on partitioning estates and creating bands of petty proprietors. Macpherson, the Director of Land Records and Agriculture, even preferred the absorption of small estates into bigger ones. He felt that 337 estates in Muzaffarpur could be recognised as 145 estates. The Board of Revenue made a ruling in 1899 on *Chitarzis* portions of estates which were regarded as separate entities. There were limits, however, to the amalgamation process, as to partition, when proprietors' interests were not served.

We have seen that the sub-division of proprietary interests endangered the rights of settled raiyats, especially those belonging to the lower castes. What was

especially true of petty proprietors applied also on the great estates, though they remained undivided, because of the role played by those other *maliks*, the sub-proprietors and intermediaries who were involved in the estate management. In Saran, under the Hathwa and Bettiah Raj, villages had been sub-divided by these petty sub-proprietors in various branches, and they had also prepared separate rent rolls in different names. Bettiah Raj took the share of rent from the one original share-holder. Now a problem arose regarding the entry and preparation of *khatians* for each of the new share-holders; who had many raiyats on their rolls who were not on the rent rolls of the Bettiah Raj. This way local transfers of holdings functioned successfully in Saran. The basic intention was to create problems in the way of providing a record of rights, and thus to prevent the raiyats from obtaining occupancy rights. Its basis was ultimately the absolute power inherited by and given in law to proprietors.

#### Raiyati Right by Proprietors

Another route to increasing proprietary power was the acquisition of *raiya*ti rights by proprietors through mortgages or purchase and at the expiry of tenures of specified period. Litigation was also used, often in fictitious civil or criminal cases using false witnesses. There was hardly any effective restriction on the proprietors even under the Bengal Tenancy Act of 1885 over the transfer of *raiya*ti right. In Tirhut prior to 1885, there was little indication of the transfer of tenant rights by sale; but in Muzaffarpur after 1885, sale and mortgage proceedings were found in 76 percent of the villages. Collins, in his Final Report of the Experimental Survey, wrote that since the settlement, there had been increased sales of portions of holdings in settled villages, in many cases without reference to the landlord.<sup>25</sup> Many of these were thus transfers to sub-proprietors and intermediaries. But there were also *benami* transfers of *raiya*ti holdings by landlords, and the forceful acquisition of land of the

raiyat under the . . . protection of law. The review of the collector of Muzaffarpur regarding customary practice of *raiya*ti right to landlord confirmed that both in Darbhanga and Muzaffarpur districts the tendency of the landlord was towards permanent transfer of land. Sometimes landlords objected to transfer arguing that there was no such custom, and powerful zamindars such as Hathawa Raj contrived to check its sales lest they result in the growth of sub-proprietors and mortgages, and shrink the zamindari influence over the *raiya*ts. However, land being a saleable commodity, in the late nineteenth century, its price shot up mainly because *mahajans* and rich peasants were investing in the purchase of *raiya*ti rights. The price of land in Saran was the highest varying from Rs. 75 per acre in Gopalganj to Rs. 160 in Mashrakh. The highest rate for mortgages was Rs. 138 in Manjhi and the lowest Rs. 47 in Mirganj. The restrictions imposed by Hathwa Raj certainly reduced the price of land in some cases, but generally, though big landlords objected to the transfer of *raiya*ti right without their consent, the custom was rapidly spreading over the North Bihar districts, and there was hardly any way to resist it.<sup>26</sup> The reasons for the growth, reflected in the rising value of land, were the increase in rental pressure on *raiya*ts and the rapid growth of intermediaries, tenure holders and dominant peasants, as well as petty zamindars. There were certain implications involved in holding of *raiya*ti rights by a proprietor. Where there were joint proprietors, the main proprietor's *patti* or principal share in a village was regarded as part of his estate, even if properly sub-divided into two fragments or transferred from a *raiya*t of a different village. Because of the joint-proprietary right and the fact that the leading share-holder paid revenue for the estate even if the *patti* was *raiya*ti, it would merge with the proprietor's estate. Moreover, any proprietor could hold land as a tenure holder or as a *raiya*t: the same process would occur, unimpeded by the Bengal Tenancy Act. Thirdly, land held on a *thika* lease by a farmer or *ijaradar* (mortgage-holder), especially in the indigo factories, also tended to be transferred away from the

raiylats to the tenure holder or planters. In the indigo areas especially, the *thikadars* would hardly allow a weak or non-occupancy raiyat to hold any formal, raiyati rights on the land leased out on *thika*. Finally, the occupancy raiylats too could acquire rights over the lands of weaker cultivators:<sup>27</sup> the well-to-do and secured raiylats were very dominant in the food-cropped areas.

In addition to such surreptitious encroachment, it was also <sup>possible</sup> to move directly. The most important example was when joint proprietors or permanent tenure-holders purchased occupancy rights at an auction sale. One court case, *Jawadul Haq v. Ram Das Saha* (I.L.R. 24, Calcutta, 143), provided a glaring example by a full bench decision that if an occupancy right was transferred to a person jointly interested in the land as proprietor, the occupancy right ceased though the holding continued, meaning thereby that the tenancy should remain but divested of occupancy rights.<sup>28</sup> In such a case, the purchaser could not be sued either for arrears or for enhancement of rent. He would also not join in a suit against himself. Section 188 of the Bengal Tenancy Act would stand as a bar to all legal proceedings against him. An illustration of this, was found in Gaya where a *co-Mukarraridar* purchased an occupancy right over 1700 bighas of land which he leased to the cultivators holding occupancy rights in the village. At law the actual cultivators were declared to be under-raiylats and the *raiylati* right was vested in the joint proprietor. Thus the rents of the actual cultivators were liable to be increased on the terms for under-raiylats and their lands could be taken away at the pleasure of the proprietors. Such take-over of rights needs to be seen in connection with the other powers of the zamindars. Stevenson-Moore, the settlement officer, observed, of the liberty given to the proprietors and money-lending peasant groups, that "were this device for breaking occupancy rights generally resorted to by unscrupulous landlords, much of the amelioration in the condition of lower classes which dates from the passing of the Tenancy Act would be undone."<sup>29</sup>

Some of the additional pressure on raiyats was associated with consolidations of proprietary rights as well. The Director of Land Records and Agriculture made enquiries regarding this matter in typical North Bihar villages, during the survey and settlement operations. In 129 villages in Muzaffarpur, it was found that 14 percent were affected by transfers. Stevenson-Moore attributed the transfers to the embarrassed position of some proprietors; a similar process was operating in the case of rich peasants in relation to petty proprietors in Saran (where sales were also much more numerous<sup>for</sup> default of government dues).<sup>30</sup> The revenue demand was still the occasion for much of the difficulty, though the indigo planters helped out the proprietors in this regard: transfers were fewest in Muzaffarpur, where the planters offered relief in the form of loans, in comparison with Saran or also Ghazipur, Ballia and Benares. The average area covered by each transaction varied remarkably from district to district depending on the requirements of the proprietor. Where the rent rate and land prices were higher and no convenient source of credit was<sup>a</sup> available, the enforced sale of proprietary rights was more frequent. The prices of such transferred lands were certainly less than on an open market. Moreover, the occupancy land was found to be more valuable in free transfer than proprietary rights. In Muzaffarpur a proprietor's land fetched between Rs 95 and 129 per acre; in Saran the figure was Rs. 50 in the case of proprietor's land and Rs. 118 in the case of an occupancy holding.<sup>31</sup> C. H. Macpherson, Director of Land Records and Agriculture, rightly observed that the purchase of *milkiyat* or freehold property (private property of landlord) had a great importance in Bihar; the price of *milkiyat* varied greatly, the average being 20 to 25 years' purchase on the *jamabandi*.

Forced, and increasingly, free sales of land favoured successful proprietors. They also encouraged individual ownership. Co-proprietorship posed a great difficulty in some areas in preventing land from being sold for arrears of revenue demands. Such sales were especially numerous where minute proprietary shares were involved, retained in order to



maintain social status (such co-sharers could trouble a purchaser as he sought to take possession of an estate). The signs of this developing land market are apparent in the growth of land prices. The arguments advanced by Jacques Pouchepadass, are important here, suggesting a significant increase in the transfers of land by the close of the nineteenth century.<sup>32</sup> In addition to successful land-owners, it became easier for money-lenders and *vakils* (pleaders) to emerge as holders of proprietary interests. The men of capital had less and less difficulty in acquiring land - and with it the *izzat* of the zamindar.

#### Zirat Land:

Related to the question of the consolidation of landed interests - and indeed, taking into account partitions, of the polarization in land control—is the matter of the *zirat* land of the proprietor. An owner who had land in direct cultivation called such land true *zirat* or ordinary *bakasht* under the Bengal Tenancy Act, 1885. The *zirat* land was defined as such land held by superior landlord under his direct cultivation. The entry of such land made in the relevant column in the *khasra* called *bakasht malik* and if claimed as *zirat*, the claim was defined as *dawī zirat*. It was also possible for a cultivator to be holding *zirat* land but in the record, this kind of *zirat* was treated as the raiyat's holding, though kept separate from his *khatian*. In the big zamindari estates, *zirat* land was classified in various ways. In Hathwa Raj, the *raj* classified this land as possession of servants of the *raj*, lands under cultivation by indigo factories as *thikadars* of the *raj*; *chaukidari chakran* or land granted to *chaukidars* under the *chaukidari* Act; waste land under cultivation in the terms of the Tenancy Act; either under *thikadars* or under raiyats; *gyaribagh* or lands previously recorded in the *raj* measurement papers as groves owned by the proprietor - this category was applied even when the land was in the actual possession of a raiyat, the trees having been cut - and finally *bataibagh* or lands previously recorded as groves and held on a produce rent, the trees having long since disappeared. Besides, those holdings abandoned by raiyats

or which had lapsed to the landlord, for example due to raiyats' having no heir, were regarded as *zirat*, despite any occupancy rights or non-occupancy rights which might have applied. The raiyats were bound to give a share of the produce of trees (mangoes etc) to the proprietors; these shares might be valuable but were not regarded as rent.

The claims to *zirat* were very prominent in the big zamindari areas of North Bihar. A major reason was that the proprietors had much freedom in regard to such lands under the Bengal Tenancy Act. They were "entitled to bar the accrual of occupancy rights" in the private lands by special contract (Section 116), and no raiyat was entitled to occupancy rights by virtue of having held such lands under lease either for specific periods or under agreements from year to year.<sup>33</sup> The advantage of *zirat* was, therefore, that the proprietor retained his rights. The proprietors had no problem in producing evidence in support of his claims. According to the Advocate General, if the Settlement officer was satisfied with such evidence the land would be recorded as *zirat* in spite of the fact that the landlord had not cultivated it for years. The incidence of such lands did vary. In Saran they were not extensive in comparison with the *zirat* land of Darbhanga and Champaran. In Saran a settled raiyat who had been cultivating *zirat* land for twelve years with a formal lease was recognised as an occupancy raiyat; this did not generally happen in other districts. In Saran, the reason was that the proprietor's papers were arranged more systematically.

Another interesting point regarding *zirat* is that even where *raiya* rights were acquired, the proprietor's superior right always remained in abeyance; the occupancy right could be revived only when the superior rights were removed.<sup>34</sup> It was thus difficult to ascertain the status of an intermediate or superior landholder who had sublet land. Generally he was treated as a tenure holder, and, in that case, there might seem to be an opportunity for the actual cultivators to secure their rights. But practically, such tenure holders played a double role, that is, as proprietor

and tenure holder. Being superior in caste, they could enjoy all the facilities and few of the liabilities under the rules. Thus dominance could be found not only in the area under their direct cultivation, but also in the quality of their holdings, both those they occupied directly and those they indirectly controlled. There were indeed very few checks on *zirat* lands. It was recognised that for the sub-let land the word 'zirat' should be recorded on the rent receipts, but in the majority of the cases this practice was not followed. Only after 1887 were the *zirat* lands let to the raiyats recorded. From the statistics provided, proprietors' private land amounted to four per cent of the agricultural land in Muzaffarpur with an average holding of 1.63 acres (the equivalent of an ordinary occupancy holding). But it is known also that in the Darbhanga raj area, proprietors held over thirty times the area recorded as true *zirat*, covering more than ten percent of the occupied area. These lands were mostly accounted for in the property of the Maharaja in the hands of certain indigo factories. The big estates dominated the recorded area of their *privately managed zirat*: in Saran the Hathwa raj occupied 6,398 acres out of 9300 acres of the *zirat* measured at settlement. But these figures overlooked the larger areas of *zirat* belonging to the leaseholders and *thikadars*, especially in the indigo plantation areas (including Champaran), and above all the private lands held by almost every proprietor and sub-proprietor all over Bihar not to say North India. Such lands were leased to *thikadars* and *mukarridars* and raiyats of various kinds. Such rights on private land were not formalised under the Bengal Tenancy Act for want of documentary evidence, but in practice they were claimed, and always there were hopes of extending them. Thus there was also proprietors' land which was not true *zirat* but nonetheless <sup>was</sup> directly controlled or <sup>L</sup> cultivated by them. This land covered about another four or five percent of the North Bihar districts. The average size of the holdings on such lands was 4.34 acres. If all the lands claimed as *zirat* and *bakasht malik* are combined it will be found that some 15.5 per cent of the cultivated area was occupied by the

proprietors and, in that case, the average size of the holdings of the proprietors is found to be 3.4 acres.

Thus true *zirat* - often leased out - contained small holdings, but *bakasht malik* holdings were larger. Larger still were the holdings under *bakasht thikadar*, that is, the land cultivated directly by tenure-holders. Then the average size of holding was 6.65 acres. The tenure-holders and indigo planters were not comparable in so far as the proprietary interest was concerned. The tenure -holders absorbed around 4 per cent of the occupied areas whereas indigo plantations covered 10 percent of the total cultivated areas of north Bihar districts. But all these indigo planters, proprietors and tenure-holders were equally responsible for acquiring and extending *zirat* claims, and cultivating land through hired labourers or on leases. Often proprietors ejected their raiyats from the holdings in order to acquire their land as *zirat*. Examples were found in 30 to 40 percent of the estates in north Bihar.

Management of zamindari estates: The final area in which zamindari power developed over the later 19th century was estate management. The zamindari estates in Bihar had certain distinctive features in management which could be observed from the Permanent Settlement. A large majority of the zamindars were small proprietors,<sup>35</sup> and indeed mostly joint proprietors or co-sharers. It was difficult or unnecessary for such proprietors to manage their estates with a hierarchy of officials. Moreover, there were small sub-proprietors in the big zamindari-estates who managed their lands independently. On these larger estates problems of management were always experienced by the proprietors unless helped by intermediary tenure-holders and government officials.

In the eighteenth century and even earlier, land rent was collected by the proprietors jointly on a co-sharing basis, depending on mutual good-will. But this system hardly continued for long after the Permanent Settlement when the gale of proprietary rights was the penalty for a failure to pay revenue promptly. Moreover, most of the big zamindars took

little interest in their estates and assigned the management to their officials. The Patta Regulations gave them incentive to maintain records, and British system required the regular collection of revenue. But it also encouraged the physical absence of the zamindar from the vicinity of the estates, a shift from village to district headquarters. The running of the estate was assigned to a manager expert in revenue matters. This replaced the closer management in which the zamindar's officials under a *diwan*, controlled land rent, the assignment of land, the maintenance of rent rolls, and so on, with the help of *patwaris*, *gomashtas*, *chaukidars*, *fotadars*, *peyadas*, *duftaris* and various others.<sup>36</sup> Instead this broader management was increasingly consigned to intermediaries, leaving estate management to concentrate on meeting the revenue. The growing burden of population on land and the changing pattern of agriculture (with the increase in commercial and cash crops) exacerbated agrarian problems and landlord-tenant relations. These changes too necessitated that the zamindars seek the help of local intermediary groups, *thikadars*, tenure-holders and sub-tenure holders. In the longer term this threatened the disintegration of the big zamindari estates of North Bihar, including Darbhanga, Hathwa and Bettiah. After the 1860s, Court of Wards management was needed to save these declining estates from ruin.

The main thrust of the government intervention was to preserve landlord-tenant relations through village agencies; the officials sought to provide, through *kanungos*, *patwaris*, and *Chaukidars*, for the regular transaction of revenue business and maintenance of records, under the bureaucratic control of the estate's officers. At least forty-two estates came under the Court of Wards about the 1860s in Bihar, the major portion in the North Bihar districts.<sup>37</sup> The reasons for Court of Ward's control provide a list of the ills of the great estates: they included the lack of a male heir or the incapacity of a minor, but also, more importantly, the fact that the estate was in debt and failing to remit arrears of the revenue to the government

and the prevalence of land disputes arising from the bad relations between landlords and tenants or between co-proprietors. Above all, government involvement increased with its worries about the zamindar's over-all incompetence in managing the estates, for reasons including mental weakness and physical unfitness. The employment of the Court of Wards in the case of small estates was initiated by the judicial decisions of the Courts, but followed the same pattern: it followed the investigations of indebtedness, or of land disputes among the relatives of the zamindars.

In pursuing this policy, the district collectors were made chief guards of the affairs of each estate. An administrative link was established through them. But above all a formal management structure was set up for the big estates, a hierarchy centered upon the bureaucracy at the headquarters of the estate. The administration was based on the British system, with a gradation in rank (in executive function and salary) right from the Chief Manager to the peons and *barahils*. For example, in the administration of Darbhanga raj, were to be found circle managers, assistant managers, *jeth raiyats*, *Patwaris*, *barahils*, *gomashtas*, and *lathials*, all employed in order to deal with the raiyats and look after the regular collection of rent. However, most of these officials were hereditary and held rent free grants. Generally, too they were of the same high caste to which the maharaja and zamindars belonged. The improved efficiency of the system from the estate's point of view thus rested on a continuing corruption among officials and high handedness or oppression of the raiyats through enhancement of rent, ejectment and collection of *abwabs*. In particular this was true of the local control of *jeth raiyats* and their devices for making their fortunes in alliance with officials of the estates. Instances were found even in Darbhanga where the administrative machinery was otherwise thoroughly bureaucratic. In the whole of Bihar, the influence of the elites led to nepotism, litigation and other measures:

unless tenants had the support of the *amla*, the leading or rich peasants would see to it that their holdings were put to auction, and in such cases, the rich peasants, being agents of the zamindar, would get the holdings at a bargain price. Sometimes they would try to hold such lands *benami* in order to avoid rents.<sup>39</sup> The rich peasants under the Darbhanga Raj were thus the products of the bureaucracy of the Raj as well as of the long standing tenural structure.

This is not to deny the power of the landed gentry and their alliance with the British administration. Their social and political influence was as the rulers of 'little Kingdoms'<sup>39</sup>. The methods of the *malik* were autocratic, as if building on the vestiges of the Mughal rulers. Indeed imperial authority had been important in the region: the right of succession to a position as ruler was important in strengthening the position of the zamindar. But even more importantly, the changing economic and demographic conditions strengthened the position of zamindar through the more efficient management of the estates. Manipulation of records in the *cachari* became an even more potent weapon against the tenants. In many ways, as P. J. Musgrave said, the management of estate was parallel in structure and methods with that of the government. Nonetheless kinship and caste played a major role in the estate's bureaucracy as indeed did factionalism in the official bureaucracy.<sup>40</sup>

The British officials knew the motives of the zamindars and the abuses of the *patwaris*, *Kanungos* and other managerial staff working for the estates. But they provided no real solution to such malpractices. Indeed, in the late nineteenth century, especially under the Court of Wards and during the Survey and Settlement operations, special measures were taken to streamline the administration of proprietary estates. Thus, as with the idea of property, the British encouraged the private management of land in line with English practice, but they made hardly any change in zamindari estates in the dishonest and autocratic

administration of the proprietors. Moreover, on large estates, the important elements who controlled the village remained the intermediary groups, the rich peasants, independent from any dominance except that of the zamindar, the tenure holders, and also of course the *mahajans* and village merchants. Together this class of the population dominated the majority of the raiyats and the cultivating labourers.

Intermediaries: Throughout this account intermediary leaseholders have repeatedly been equated with the proprietary interest, in this section we will concentrate on their role, and that of other middle groups. The Permanent Settlement did not change the tenure structure of rural society completely with its classification of landlords and tenants. But the handful of zamindars and their immediate allies grew in the course of time. Moreover, the changes in the law from the Permanent Settlement until the Bengal Tenancy Act, 1885, helped increase the number of rich peasants, especially among the *khud-kasht* raiyats. The growing value of commercial products also hastened the growth of the prosperous tenantry. After 1885 they involved themselves more and more in the purchase of occupancy rights, which benefited the well-to-do sections but helped the poor ones to decay.<sup>41</sup> During the nineteenth century there was a general rise in the power of rich peasants, and of intermediary groups such as tenure holders, money-landers, *mahajans*, village merchants and the usurious class of people who controlled the village economy—the grain-trade and the supply of commercial goods as well as agricultural production.

Regulation VIII of 1819 which declared certain tenures valid, meant that *patni-talukdars* (middlemen between zamindars and raiyats) became very prevalent in Bengal and parts of North eastern Bihar, especially in Purnea (Kishan ganj and Dharampur parganas). In North Bihar a similar development was associated more with indigo<sup>9</sup>



plantations, opium cultivation and sugarcane. As commercial crops became more prominent the intermediary groups who were rich in resources, the upper castes who were dominant in the social and economic order, took the opportunity to improve their position as tenure holders or lease holders. There was a development in the *thikadari* system of the North Bihar districts. The term used locally for this dominant group was *malik*: in the villages they were the immediate controllers of production. To some extent such rich and independent tenants (who were certainly occupancy raiyats) positioned themselves in the fashion of a small zamindar, and collected rent from the subordinate raiyats (including some with occupancy rights) and share-croppers. They themselves often paid a fixed rate of rent to the zamindars.

In the first half of the nineteenth century, the largest of these were lease holders who received land on *thika* from the proprietors for their own cultivation. The changes brought in the tenancy laws increased their power. From the late eighteenth century and in the first four decades of the nineteenth century, the farming out of villages on *thika* was wide-spread. Some of the holders of such rights, *thikadars* and *mukarr<sup>ar</sup>idars* held them directly from the zamindar. In addition there were rent-free tenure holders who held an even more superior position, and there were various officers of the large estates who had privileges to a greater or lesser degree. They included *barahils*, *goraits*, *birtidars*, *gomashtas*, *lathials*, who may be counted as similar if not always the equals of those called *mukarr<sup>ar</sup>idars*, *patnidars*, *darpatnidars*, *Sepatnidars*, *gatchdars* and so on.<sup>42</sup> These were at least ten or twelve kinds of tenure-holders in Bihar.

In the proprietary estates of *bakasht-maliks*, the intermediate tenure holding at fixed rates, between raiyat and proprietors, did not change greatly after the Permanent Settlement, though they were liable to pay enhanced rates of

rent under Act X of 1859 and even under Act VIII of 1869 (B.C.). Such dependent tenures dating from before 1793, hereditary in nature but not *mukarrari*, were in any case not numerous in North Bihar. But in the changing pattern of cultivation and the growth of commercial agriculture, especially in the indigo cultivated areas, fixed rates tenure did become more important. The tenure holders in modern times, developed in the form of rich peasants and a dominant <sup>i</sup>usur~~ous~~ class, at the instance of the superior zamindars. This operated both on great estates, and where partition was creating small zamindars. The big proprietors mostly preferred to lease out the collection of rents to the *thikadars*. But also, in the areas where proprietary interests were minute, the management of the land was sometimes transferred to a tenure holder by a host of co-sharing small proprietors. In all such cases, especially in Saran and Muzaffarpur districts, there was a tendency for tenant rights to be absorbed by the tenure-holder although he was a kind of occupancy raiyat who dominated in the role of a proprietor. Sometimes the superior landlord would intervene to create such a system. The Maharaja of Hathwa delegated the right to control his land by creating tenures of three types: rent paying, rent free and under-tenures. His motive was to secure the regular collection of rent through repressive control in the villages. Another origin for tenure holders was among those who survived ruin as a zamindar as a result of the sale laws and whose personal holdings had shrunk until they were equal to those of a rich peasant. Such persons also held *thika* and *mukarrari* tenures.

For most of the nineteenth century intermediaries differed in their security of tenure. There was for example, a certain category of intermediary who had acquired occupancy rights at auction twelve or fifteen years before and settled the rents with cultivators who might have been holding this land ever since. The cultivator might thus have a secure tenancy in law. But what was the status of his rent receiver ? He would not hold his tenure direct from his superior landlord and his rent would not be settled in

perpetuity. On the other hand there was the status of the *mukarridar*, who was more than an ordinary *thikadar*, because his right to hold land could not be terminated legally and nor <sup>could</sup> his rent receiving right be challenged or altered. Such tenures were common in the indigo plantation areas in the North Bihar districts. Thus any *thikadar* might have a free hand in occupying the lands of a raiyat under the big zamindari estates. Geddes, who submitted a report on the agrarian condition of North Bihar in 1876, said that the *thikadars*, who were generally rent speculators, exercised unlimited power of distraint, enhancement and eviction. But it was true that this sub-infeudation functioned in different forms in Bihar. By the later period of the nineteenth century, the domination of the tenure holders took the form of *mukarrari* tenures. The holders were middle class elites, and the "general tendency of this development was towards absentee landlordism".<sup>43</sup> However, there was also the *bakasht thikadar* who sprang up from the *khud-kasht* raiyat and formed a superior class, irrespective of their being temporary or permanent lease holders. It was sometimes difficult to distinguish between them.

The tasks of the intermediaries included managing the *zirat* land of the proprietors, and collecting rent and revenue. They usually dealt with the civil and criminal cases arising from the land disputes or non-payment of arrears of rent. Through unlawful litigation and transfers of raiyati holdings and physical violence, the tenure-holders precipitated communal and caste conflict. In fact, the dominant group of occupancy raiyats also posed as zamindars, seeking profit by devices in which only secure tenants could afford to indulge. The predecessors of some tenure holders had of course been zamindars in the 18th century. The settlement operations added to their number.

It was therefore, ever since the Permanent Settlement that the proprietary power had been exercised through the tenure holders. Major portions of the estates (not less than 80%) were managed either by creating sub-tenures or by transferring the zamindari rights in various forms.

This method was particularly necessary where large estates included scattered holdings or lands in other districts. For example the Hathwa Raj villages in Shahabad were managed by tenure holders and local rich peasants. By the same token, the growing absenteeism<sup>ee</sup> of zamindars also increased the number of tenure holders. Thus tenure-holders were most active in the big zamindari areas. The zamindari link was emphasized too in the institution of *bekh birt*, a maintenance grant of land, <sup>h</sup>which was also much in vogue in the north Bihar district among tenure holders. The members of zamindari families also took *thika* tenures *benami* or sometimes indirectly in the name of others. For example, in 1868 the Maharani of Bettiah leased out 54 villages *benami*, through one of her confidants, Palluck Singh, and earned a total rental of Rs.65,836.44. Such practices were found among small zamindars who generally leased out a number of villages to their relatives or friends. The management of *zirat* land and rental collection through the tenure holders was an important factor in maintaining the position of the zamindars. Sometimes the transfer of shares in the estate to a tenure holder could save the estate from division. The tenure-holder thus acted as a defacto zamindar.

Nonetheless, the rights of tenure-holders before the Bengal Tenancy Act of 1885 were not stable, and they were very dependent on the zamindar's good will. Intermediary tenures seem to have grown generally under the Permanent Settlement. The Raja of Burdwan, the saviour of proprietary interest in Bengal, had given much incentive<sup>e</sup> to the growth of tenure holders, and to a large extent his estate was divided into a confederation of *patni-taluk*. There was necessarily a tendency for large estates to be sub-divided into small sized holdings, capable of producing large rental income as well as repressive local control.<sup>45</sup> It was this feature of tenure-holders which spread over the province of Bihar in later periods. But, as said, the intermediary interest were still directly linked with the proprietary interest, and, indeed, the practice of farming out proprietary land was quite an old practice in Bihar, one which, under the modern

tenancy laws, gained in importance in the late nineteenth century.

A second, distinct kind of intermediary derived power from economic transactions. In the role of village *mahajan* could be found rich and upper caste peasants, but also the money-lending castes such as *baniya*, *teli*, *sonar* and *koeri*. Thus the rural credit market was another important source of local dominance. The people of these groups often did not form a separate class or entity in the village, but played a dual role as peasants or proprietors as well as *mahajans* and money-lenders. They mortgaged the lands of the *raiya*ts, and transferred their lands forcibly. After 1880 they began to consolidate their holdings on a large scale through purchase. Some were obtaining *zamindari* status. The growing value of land after 1885 and its registration in law both increased the bargaining power of the money-lenders. The tenant who mortgaged his land, could lose his formal title but remain accountable in effect for its rental; he would generally be kept on the land as a share-cropper on very harsh terms. Many landlords made money by receiving *salami*, a traditional power, on granting their consent to the buyers of *raiya*ti holdings. But usually they were very hostile to such transfers, while themselves making the most of rising land prices.<sup>46</sup> Often the purchasers were small, prosperous proprietors or intermediaries acting as money-lenders; they played an active role in acquiring *raiya*ti rights. Thus the relations of money lenders and debtors formed an on-going process in the changing conditions of agriculture, one which could be independent of and concealed from the landlord but which involved malpractices and exploitation.

The usual picture of a rural money-lender (irrespective of caste) was that of a *baniya*, whether he was a *zamindar* who lent money to his tenants, or a trader who dealt in grain. The motive was necessarily to earn profits and place the debtors under a repressive control. By extorting the maximum from him he was liable to reduce him to the level of a tenant-at-will. The 'prosperous tenants' were those who were independent of this control. The poorest, however, were

those who were in debt, but who no longer had any credit in the rural market.

Therefore, in the rural scene we find on the one hand, the role of dominant peasants as money lenders, and on the other hand an increase in rural indebtedness. The Settlement Reports prepared at the end of the 19th century for the North Bihar districts, defend the proposition that rural indebtedness did not exist to any appreciable extent. This assessment was not based on minute case studies, only statistical data on the alienation of peasants' holdings and mortgages were considered in evidence. But the small number of mortgages and alienations hardly proves the absence of rural indebtedness.<sup>47</sup> It is significant that, according to P. C. Roychoudhury, most of the zamindars after the abolition of the zamindari took to the money lending business in the villages.<sup>48</sup> Their active role in money lending was quite old. From small initial investment, the money lender could tie up the peasant in a permanent servitude and thus pre-empt his production for all times to come.

By establishing some rights on a permanent footing, the Tenancy Law in 1885, only complicated the agrarian problems of the late nineteenth century. Its definition of the term 'proprietor' was the 'owner of an estate'. Yet included among the dominant classes of the society were many grades of intermediary tenures controlling the village economy. The gradation of tenures and proprietary interests ~~was~~ revealed under the Survey and Settlement operations in <sup>the</sup> 1890s and in the early period of <sup>the</sup> twentieth century. In preparing the record of rights, it was necessary to assess the extension of cultivation and the occupation of uncultivated land, the holding of rent-free tenures, and above all the issue of who was whose proprietor and who was whose raiyat? But such a record did not make a basic difference to the nature of such complicated proprietary influence. Nor did it remove the impact of social power, for example, the bondage and *beth begari* which were quite common especially, on behalf of high caste land holders and at the expense of lower caste cultivators.

Therefore, hierarchical control over land was created by a large number of intermediaries which grew up under the protection of law as well as under the canopy of the prosperous zamindari estates. This is similar to the sub-infeudation of various kinds in the early social structure of India:<sup>49</sup> a particular section of the village shared a larger portion of the production, and possessed more land than they could cultivate without the assistance of raiyats, hired labourers or share-croppers.

The exaction of rental income even by a rich peasant (independent from debt and rich in resources) and village *mahajan*, justified their claim to be the *malik* in a particular village. The size of their landed interest could vary between five and five hundred acres. The main concern was the recognition of a high status in the society. The result was the growing power of the intermediary interest which originated at the time of Permanent Settlement and further accelerated after 1859. These intermediaries, including dominant peasants, could easily be differentiated from the old zamindars and newly-created proprietors. From the 1870 onwards, the society looked to be headed by varieties of proprietors, tenure holders, dominant peasants, *maliks* in each small villages and village officials; only this class of the population could deal in land, in the agricultural markets and in rural credit. It formed hardly twenty percent of the population. Their influence was maintained through village politics in *kucheries* and district headquarters through personal acquaintance with revenue officials and approach to the local *thana* in order to terrorise the raiyats.

Thus, partly because of the growth of usury, there was a dominant class in the north Bihar regions, which was quite near in status to the proprietors and small *talukdars* of Bengal and Oudh in the later half of the nineteenth century. The rental income of the intermediaries of this class was high in comparison with the revenue demand. Their position was parallel to the legal conversion of the zamindars into English landlords. The Tenancy Act of 1859 facilitated the creation of a band of rural *maliks* who could be held

responsible for the indebtedness of the raiyats in the late nineteenth century. The small peasant-farmer economy started breaking up as a result of the growth of these maliks, whose influence in course of time was reflected in the growth in the number of non-occupancy raiyats.

The intermediaries began to establish ties with district headquarters and important towns in Bihar, as agricultural production became more valuable. Through their landed property and rental income they were provided with avenues for urban settlement. Competition for land among peasants for the growing of valuable commercial crops further increased the rentals. Therefore, though overall production hardly increased, wealth was extracted and accumulated by the classes of the population which had greatest access to landed property.

From this description of the rise and growth of landed power, it is evident that the ownership of land and the control of peasant production gradually became more effective but changed little in fundamentals. The grant of land to the landlords at the cost of both the King and the peasantry, had created the suzerain estate or the independent 'little Kingdom' of the landlord (as Bernard Cohn called the political structure of the eighteenth-century estate).<sup>50</sup> Under the Mughals, the zamindars had, of course, power to introduce new cultivation, and to settle raiyats in the villages, on the basis of a hereditary proprietary right and the collection of land tax.<sup>51</sup> When the British administrators confirmed their zamindari rights as ownership, as defined in the Permanent Settlement, the nature of the zamindar as ruler of a small *taluka* developed into a refined 'proprietary estate', an absolute right to "control the land" and enjoy all the privileges which an English landlord could enjoy under the English law. Then the changing pattern of the economy, as well as demographic trends, also gave a new impetus to the old social hierarchy, already reinforced by the conferment of proprietary right, so that there emerged not only a class of superior zamindars, but also a host of petty proprietors,



intermediaries, village mahajans; and an enlarged usurious class controlling the means of production and the surplus. Moreover, while many proprietary interests came to be ever more minute and larger landowners more likely to be absentee, the Bengal Tenancy Act of 1885 and further measures taken under the survey and settlement operations after 1892 assisted in the development of a more prosperous class of rent receivers who ultimately formed in effect a class of landlords over their subtenants and dependents: these were the village *maliks*. Between these two classes of prosperous land controllers and absentee landlords, the poorer raiyats and the labouring community suffered.

The height of the power of zamindars can be measured from two points of view: the enhancement of rent and alienation of raiyat's ~~holdings~~. The law hardly opposed such alienation when rent arrears were the excuse. In the arbitrary exercise of power by landlords, litigation became indeed one of the weapons against the raiyats, alongside the power of distraint, and some of the older privileges enjoyed by the zamindars, and also alongside intimidation and fraud. The exaction of *abwabs*, and the manipulation of rent and revenue records, were among the most important devices for accumulating wealth and power: they backed up the zamindar's twin props of prestige and force. But the relations based on trade and credit also gained in importance during the nineteenth century. The result was that proprietary and other kinds of dominance remained virtually absolute in North Bihar.

## CHAPTER III

### RAIYATS

Tenantry formed an important part of agrarian society in North Bihar in the nineteenth century. The term peasant signifies a person who cultivated the land he occupied, although he may be subjected to the burden of taxation, forced labour, payment of undefined taxes and cesses to the granter of the land. The important issue is whether he produces to satisfy his demands or those of the landlord or the market.

Under the British, the main classification of agrarian society was made between zamindars (landlords) and raiyats (tenants and cultivators). But this classification was not useful for understanding the condition of the people in the broad social and agricultural perspectives when diverse groups of the village community lived in a hierarchy. For example, zamindars and most of the *rajas* lived on their home farms which they cultivated with the help of the hired labour of raiyats. Raiyats were those who were solely dependent on cultivation; they paid cash on a share of the crop to another individual who in turn paid revenue to the government. According to the revenue records of the 19th century, a tenant was someone who was not entered in the *jamabandi* and who by custom and law was not considered to be a member of a corporate proprietary body as a *pattidar* or other sub-proprietor. Until the beginning of the 20th century, a 'tenant' was called *assami*, a cultivator, that is, one who was not a proprietor but a dependent. The *assami* was also one who was entered in the village record of rights. In Bihar, a raiyat was called *assami* before his *malik*.

If we go back to the origin and development of this class of cultivators, we find that in the early agricultural settlements, when the pastoral life of the Aryans changed to agrarian economy, especially into a dependence on cattle and agricultural production, a great change took place in the social hierarchy. The agricultural production was carried on by the *vaisya* community, and a labouring class of *sudras*. Apart from serving the upper 'Varna' of the society, *sudras*

were mainly confined to agriculture, and they helped *Vaisyas* in the production of crops. The extension of cultivation and emergence of social classes based on caste in the Indo Gangetic plain were marked by the use of iron implements from 1000 B.C. At this time too the needs of the village community gave birth to several artisan classes, such as potters, carpenters and weavers. These were various social groups whose main purpose was production and therefore, differentiation in function developed in the society.' In this respect producer, mainly agriculturist, castes played an important role.

The development of agricultural production gradually formed a 'feudal' economy between the 4th and 6th century A.D. The land grants given to the upper *Varnas* of society, by the emperor or ruler turned them into feudal lords or *maliks*, who shared political and administrative power and thus strengthened their economic position. The possession of fiscal and administrative power by the priestly classes and upper castes, necessarily increased the oppression of the peasantry and of those coming under their jurisdiction within the villages. The ejectment of tenants was quite common, and land was assigned to them on terms and conditions which left them few rights. They were made to provide labour, including domestic work, ploughing, sowing, harvesting, and caring for cattle<sup>2</sup>. Although agricultural production was regarded as pure or unpolluting work, unlike other services, the practice was to secure it by force; so important was this in the society that even women from cultivator's families were required to work in filling the granaries of the village headman. In addition to these services, villages were required to pay taxes as a result of the power vested in the headman. Hence forced labour, the burden of taxation and the exploitation of the resources of villages by hereditary controllers were the important features of agrarian society before the beginning of the medieval period.

There is some question whether the agriculturists formed a subject peasantry<sup>3</sup> or were independent land-owning cultivators<sup>4</sup> in the early medieval period. The deciding features must be the control of the means of production, and

its distribution. It is a fact that servility, *begar* services, payment of taxes, eviction of the old and introduction of the new cultivators, share cropping and so on, were all devices for controlling the peasantry in order to deprive them of the major portion of the production resulting from their labour.<sup>5</sup>

In the pre-Mughal period, under the rulers of the Delhi Sultanate, private-ownership of property existed. There was peasant cultivation as well as the inheritance of landownership. This private property was subject to the control of community and State, a social structure based on payment of tax to the local controllers, including holders of revenue free-grants, who formed a military-cum-revenue machinery for the extraction of land revenue in the conquered territories. The Sultan emphasised the payment of *kharaj* by the agricultural communities as a condition of the retention of their rights in land and other privileges.<sup>6</sup> Before the Mughals, therefore, there were peasants owning hereditary land and peasant production was important. But there were also various other elements of society, such as *chaudharis* or *muquddams* forming a prosperous landed class of upper caste Hindu zamindars and rich peasants. The class differences in multi-caste villages were reinforced by the revenue system and its regressive features: upper caste dominance was helped by concessions in revenue rates and the demand fell most heavily on peasants belonging to lower cadres of the society. The production of surplus was largely meant for the state; the major consumers were those who formed a part of kingship or revenue assignees. The market economy had already developed in the 14th century; therefore, peasants were required to pay revenue in cash at places where valuable crops such as wheat, sugarcane and other products were important.<sup>7</sup> The production of valuable crops and payment of revenue fixed by the state implied that some peasants were rich in resources. They rather tended to be the local controller as *muqaddams* (headmen) and proprietors of the villages, while hundreds of *assamis* or cultivators worked in their fields as hired labourer or cultivated land and paid revenue through the *muqaddams*. The

*muqaddams'* power rested on their organization of cultivation, and their use of hired labourers for ploughing, watering, sowing and reaping. Such power originated among the resident cultivators as explained in the 17th and early 18th century Mughal documents, that is, the *khud-kasht riaya* who owned the land they cultivated and the oxen and other means of cultivation who had resided for a long time in the village or rather in the zamindari, who could sell and transfer their landed property, and who could 'not be dispossessed of their land as long as they paid revenue. Such peasants were distinguished from the *pahi-kasht riaya* who cultivated the land of a village where they did not reside.<sup>9</sup> As *Ain* explains it was the function of *pahi kasht riaya* to bring waste land under cultivation, so that no land should be left uncultivated in the village. A cultivator might well have *khud kashtkar* right in his own village and *pahi-kasht* in another.<sup>10</sup>

The nature of the land right of tenants raises some intricate questions, for example comparing *khud-kasht* and *pahi-kasht* under the Mughals and in later periods under the British when land right and tenure-structure had been defined by law. In the first instance, the early assertions of European travellers to India estimated the position of *jagirdars* of the Mughal nobility as the natural counterparts of the land-owning class of European aristocracy. The Mughal emperor was able to transfer the *jagirs* at his will and assign the revenue collection responsibility to any of these nobles; it looked as if the right of nobility had been usurped by the emperor. On the other hand, the larger part of the cultivated areas was owned by peasant-cultivators and such areas were divided into *raiya*ti and *zamindari* areas. Therefore, travellers could understand the agrarian society as divided into the two classes sharing the produce of the soil; the peasantry on the one hand, and the King and his *jagirdars* or revenue assignees on the other.<sup>11</sup> The peasant's proprietorship was never taken into account; he was a 'tenant' from whom the king and his nominee zamindar or *jagirdar* collected revenue. Only they shared power and privileges derived from the proprietary state. The concepts

of property and ownership of land of India seemed to be the opposite of those in European society. The judgement of the jurists and administrators must have created misunderstanding and doubt as they took the paramount right of the state to imply its effective control of agrarian land. Thus instances have been found in the early British revenue documents interpreting the status of various categories of raiyats, especially in the Presidency of Bengal. The question most often asked was, "who was the owner of land - the ruler (*Hakim*) or the zamindar"? The question of the peasant did not arise. From such discussions, there emerged the opinion that *rajas* and zamindars were ancient hereditary rulers who therefore should be entitled to the ownership of land. The Permanent Settlement was an outcome of this acceptance, developed from the 1760s, that whatever was elicited about the peasants or raiyats, the *rajas* and zamindars enjoyed hereditary rights in the soil.

Thus *khud-kasht* cultivators clearly had personal rights in land, but these were taken to be held from zamindari families, the *chaudharis*, *muqaddams* and others. But on their own account, the raiyats did not enjoy any official status, not even when there were the kin of the zamindar and *muqaddami* families, and had a tradition of descending from the original developers of the land they occupied.<sup>12</sup> Moreover, the *pahi-kasht* raiyats though they cultivated land in another *mauza* or land belonging to another, also had full rights in holding land. The English rendering of the word *pahi* as non-resident, in opposition to the *khud-kasht*, or resident cultivator, created a misunderstanding. In the Mughal period, the *pahi-kasht* raiyat was subordinate to one zamindar but carried on cultivation in the *mauza* of another. Thus a very important distinction was determined in the interpretation of the basic difference in land rights of the various categories of raiyats preceeding the Permanent Settlement. In fact zamindari area covered the cultivated land of the dominant castes and clans. The cultivator's status depended not on different rights in land but on his relations with the zamindar. Thus if he cultivated land in

another *mauza* belonging to the same zamindari, he was not regarded as *pahi*.<sup>13</sup>

Raiyats belonging to *khud-kasht* and *pahi-kasht* categories were in a large majority and took the main part in agricultural production; but there was also another class of cultivator who invested his labour in cultivation on the holdings of zamindars, *muqaddams*, and rich cultivators. In particular those belonging to upper castes would abstain from touching the plough, especially in Bihar and other parts of North East India. Thus although there was no particular caste of share-cropper — it would have created a major occupation — in fact share-cropping was practised on a large scale in the 18th and 19th centuries. It was much in evidence in the zamindari areas and among those peasant proprietors who received *madad-mash* (rent free land grant usually given from waste arable land of village) from the state to landlords, *muqaddams* and proprietors. The landless cultivating population was available to plough land, and in effect to hold it and pay revenue subject to the share of the produce paid to the *malik*. Cultivators of this kind did not have their own seeds, ploughs, bullocks and other necessities for cultivation; these were provided or rented out by the *maliks* or rich peasants. The *maliks* took between one third and one half of the crop, the latter being the rule in less fertile areas. In practice the share-cropper received less than his supposed share of the produce. The owner (raiyyat) of *madad-mash* lands was entitled a half of share under the Mughals, and was required at the same time to meet the demand of State, apart from tenant's share and expenditure incurred on maintenance of land, such as irrigation. The balance left in hand as *malikana* was his profit on the land rented to the tenant cultivator.<sup>14</sup> Colebrooke's description refers to malpractices and high handedness of the landowners and the sufferings of the share croppers though, by that period, the confusion between a formal 'tenant' and the actual cultivator of the soil had already taken a legal form, and tenancy problems based on payment of rent at fixed rates in cash and kind had emerged as an important factor in the agrarian society.

The distinction made between various categories of raiyats preceeding the Permanent Settlement must be understood before we can define the character and role of raiyats and their *raiyyati* rights in 19th century Bihar. After the grant of Diwani to the East India Company in 1765 the revenue documents, reports and memoranda presented by the English and local officials and their commentaries constituted a great debate on the property right as well as on the nature of land rights of zamindar and raiyat. Some of the experts generalised about the agrarian society of Eastern India and some traced the agrarian practices and land tenures back to the time of Akbar. The policy of the Company's officials from 1769 to the middle of the nineteenth century was directed not only towards taxation but <sup>also</sup> towards the structure of the society. Land control and the distribution of the produce of land were and are central to social relations: they not only concern ownership of land, rents and taxes, but are about kinship, marriage, ritual, status, prestige and power. Invisible to the revenue records, with their valuable information about land tenure, were hundreds of under-tenants, and cultivators of a few acres of land. The British viewed Indian society from a legal point of view and had common economic goals for certain classes of people, but they did not allow them to function in a social group.<sup>16</sup> Broad similarities can be found between English pre-capitalist and capitalist concepts of property and the pre-British Indian concept, but there were still great differences between the land laws of both countries. Henry Maine's ideas about movement from 'status to contract'<sup>17</sup> would seem to be relevant; the British introduced an economic status through land policy which was intended to restructure the agrarian society.

In 1769 an effort was made to enter into a direct relation with the raiyats through the commissioners and supervisors ascertaining the rents paid, the cesses and arbitrary levies extracted, and the prevalence of rent documents. The supervisors also sought to convince the raiyats that the aim of investigation was not the increase of rents or <sup>the</sup> accumulation <sup>of</sup> demands, but the redress of their



grievances. But the *kanungos* had the responsibility of supplying details of the *raiya*ti rights and safeguarding the interests against oppression; they had been record-keepers for the zamindars since Mughal times, and kept silent in league with the zamindars. By this time it seemed obvious to Warren Hastings that the Mughal system of land law and hereditary ownership of land by the *khud-kasht* raiyat were null and void. On this basis he dismissed the Indian officials in 1772, took over the management of the revenue, and started anew.

Convinced that the state was the supreme landlord, Hastings at first ignored the zamindars' claims and farmed out the revenues by public auction. Later he realised that men of local influence could not be ignored and that entirely to deprive them might lead to all the evils of a divided authority.<sup>19</sup> He therefore tried to settle with zamindars wherever possible for 5 years and farmed the land of occupied territories. On the other hand, the basic importance of the raiyats was not taken into consideration. Hastings regarded the status of *khud-kasht* raiyats as similar to that under the Mughals. According to him, those who resided in one fixed spot, where they had built themselves substantial houses, or derived them by inheritance from their father, were a "valuable kind of riatt". He believed they would suffer greatly as they would become "vagrant riatt" if they were forced to quit.<sup>20</sup> But this second category of raiyat was the *pahi-kasht* according to Warren Hastings. They were, as the Fifth Report later defined them: those who 'cultivated lands belonging to a village where they do not reside; they are considered tenants-at-will and they had casual interest in cultivation and land'.<sup>20</sup> This interpretation distorted the prevailing circumstances. The representation of the *khud-kasht* and *pahi-kasht* raiyats as tenants-at-will, dependent on the zamindars, on the lines of the English law, was a great deconstruction by the administrators of the East India Company. Even the *pahi-kasht* raiyat was never a tenant at will before the arrival of the British in the Presidency of

Bengal. Certainly there existed a class of agricultural labourers who worked on daily wages. Such labourers were bonded and servile and had to do various other services apart from cultivation. But such people were to be distinguished even from *pahi-kasht* raiyats.

It has often been argued that, if we compare the Bengal zamindar with the Bihar zamindar, it is evident that there was in Bengal no kind of ownership which corresponded to that aggregate of rights known to English law. There hardly existed such ownership in any class in India as was given by the ownership in fee simple.<sup>21</sup> In particular the zamindars of Bihar did not possess so unlimited a power over the *khud-kasht* and *pahi-kasht* raiyat as the early English administrators thought. As Harrington observed: "It is by attempting to assimilate the complicated system which we found in the country with the simple principles of landlord and tenant in our order and specially in applying to the Indian system terms of appropriate and familiar signification which do not, without considerable limitation, properly belong to it, that much, if not all, of the perplexity ascribed to the subject has arisen".<sup>22</sup> The real situation was too complex to be simplified according to land rights of some actual owners of the soil. Yet Hastings had readily asserted in 1775 that the farming of land largely depended on the zamindars and *maliks* of an area granting leases for life or for a period of two joint lives either at a rate fixed by the Company's government or on the best terms obtainable for the zamindars. Moreover, the zamindars were not liable to be compelled to pay more revenue without substantial reasons, nor were they to be dispossessed of their right to hold land. It was for this reason that in 1777, the Court of Directors revoked the provisions whereby revenue could be farmed to the highest bidders: thus the supremacy of the zamindars was recognised as the foundation of revenue settlement.

The administrators believed that 'vagrant Riatts' settled their rates with the zamindars, held land for a term, paid rent according to the agreement reached, and lost their rights if they deserted. But even these provisions

were not observed in law. The only concession thought to be allowed was that if a 'vagrant' continued on the terms and conditions mentioned above, he could hold land at a lower than the established rate. The result was that hereditary raiyats were bound to be subservient under the law to the zamindars. On the other hand, agriculture was in a state of decay at the time of the Decennial Settlement and it was difficult to meet the demand for revenue as well as to provide for the zamindars' income. Therefore, improvement of land with the help of raiyats (*khud-kasht* and *pahi-kasht*) was necessary to ensure a permanent source of revenue from agriculture. The root cause of the problems, or so Cornwallis believed, was an unsatisfactory revenue system. The rigid distinction made with regard to the distribution of land right simplified the task of making a settlement with the zamindars, and fixing terms and conditions upon raiyats for holding land and paying rents at a rate fixed by the zamindar. Cornwallis believed that raiyats as a class would receive due encouragement from the zamindars for the cultivation and improvement of the land. He held too that it was in the interest of the state, that landed property should fall into the hands of the most frugal and thrifty class of people who will improve their lands and protect the ryots, and thereby promote the general prosperity of the country.<sup>23</sup> Cornwallis was optimistic in thinking that rent would be fixed according to the value of land or produce, and settled mutually between the zamindar and raiyat. He was unrealistic too in supposing that no zamindar would levy taxes or *abwabs* nor impose upon raiyats, and that raiyats could not be dispossessed on flimsy grounds. Cornwallis took it for granted that the relation of the zamindars and raiyats in the Company's provinces in Bengal<sup>n</sup> would be similar to the relation between the English landlords and the English farmers.<sup>24</sup> This illusion had some long-term consequences. For example, despite the supposedly absolute proprietary rights of the zamindars, it is a fact that contrary to the English situation but in order to avoid arbitrary oppression of the raiyats, the government of the

Company reserved its right to regulate the terms by which the zamindar was to let his lands. In practice however, this right was not exercised. The reason was that Cornwallis was under the impression that the raiyats' status might be treated as derived from the landlord, as in England. The government began to intervene only later, when it came to the view that the raiyats actually had had proprietary rights which did not derive from an original theoretically-complete proprietary right in the zamindar. Under this revision of theory the term "actual proprietors" of the soil did not mean what might be supposed *prima facie*, but something less, taking into consideration the way the concept was used for the settlement.<sup>25</sup> Thus, according to Phillips in his celebrated lectures on land tenure (published in 1876), the government gave nothing to the zamindar but the right to accept the assessment, and an absolute proprietorship in the matter of revenue. At the time however, as Phillips also accepted, the rights of the zamindars were recognised and secured under the Permanent Settlement, while those of the raiyats were left to take care of themselves. Moreover the zamindar, having acquired the government right in the revenue in perpetuity, was in an advantageous position for absorbing all other rights.

There were some gestures towards the raiyat in Cornwallis' regulations, suggestive of permanency of tenure and fixity of rent. Rents unaltered for twelve years prior to the settlement were declared to be fixed in perpetuity; otherwise rent was to be payable at *pargana* rates subject to the consolidation of *abwabs* and cesses levied in the past; *patta* (leases) were to be provided and renewed after every ten years; there was to be no right of eviction of resident raiyats. The government required zamindars to treat their under holders with good faith and moderation and reserved a general power to legislate in future. All disputes between zamindar and raiyats were to be referred to the District Courts. But other policies were designed to strengthen the zamindars' sense of security. The office of *qanungos* was abolished, and judicial and magisterial authority of the

collectors was ended. Above all, the primacy of zamindar was recognised in law. One apparent check which actually enhanced the zamindars' status, required the maintenance in the collector's office of a register of holdings, transfers, rent rolls, payments and receipts and a quinquennial register of all land tenures. But in so far as they were kept, such records secured the zamindar, eventually taking the place of the social and economic ties between the upper and lower strata of society as the basis of local control. The authority of zamindari recognised selected families and the subordination of raiyats overturned the balance of rights, maintained since the time of the Mughals. In the agrarian economy of Bihar as of Bengal, the zamindari right absorbed the raiyati rights.

The outcome was social disintegration. In the past the protection of the raiyats' position depended on economic considerations and customary obligations; indeed the religious obligation of the zamindars towards raiyats could not be ignored. These considerations were linked, even under the Mughals, with revenue-free land-grants and gifts given by 'rajas' and big zamindars to priests and officials. This practice was very prevalent, both among Hindu landed gentry as well as among Muslim zamindars and *jagirdars*. The *minhai* register of these grants was maintained from an early period. In 1795 it recorded about 18 kinds of revenue-free grants among Hindus, and 20 kinds among Muslims. Stevenson-Moore the Settlement Officer, North Bihar records the remnants of these grants and attached much importance to their role before the Permanent Settlement in strengthening the ties between the middle and bottom levels of society (*khud-kasht* and hereditary rent payers).<sup>27</sup> For example the *Brahmottar* grant given to Brahmanas for the encouragement of Sanskrit learning and the worship of gods, had always been recognised as an act of piety by kings and noblemen in Bihar. In the North Bihar districts, charitable endowments on a small scale continued until the enactment of the Permanent Settlement, which however proclaimed that such grants would be reassessed, the risk being that they would be declared illegal and invalid, making the holders liable to pay revenue. Most of the 'tenure' holders, *khud-kasht* raiyats, and prosperous raiyats holding hereditary rights were

affected by the ensuing resumption procedures. The revenue-free grants were of two categories: *badshahi* and *hukumi*. The former were those granted by the Mughal Emperors direct, and the latter those derived from the officials of the Empire. *Badshahi* grants were recognised by the British as valid if the holder could prove his *sanad* and was in possession. *Hukumi* grants, though considered in their nature invalid, were accepted if dated prior to the grant of Diwani, 1765. All grants of subsequent date were invalid and zamindars were authorised to nullify their own grants under the provisions of the Permanent Settlement. In Bihar, according to the assessment made by Thomas Rumbolt in 1767, there had been a profusion of *lakhiraj* grants of various kinds - *jigar altamgha*, *madad*(*mash*, *payi-baki*, *khalsa*, *sharifa* and others. All were brought under resumption operations; two thirds of the total of invalid grants in the whole of Bengal (valued at Rs.66,21,144 lakhs) were accounted for by Bihar.<sup>28</sup> The rent-free grants had increased the prosperity of raiyats and assisted the harmonious relation between zamindars, rajas and raiyats. The age-old moral and economic obligations binding zamindars and raiyats together were loosened as a result of the Permanent Settlement.

The policy of the Company's government was directed to protecting the zamindars and the security of revenues i.e. *jama muqarari* or *jama muqarari istamrari*, both terms denoting the fixed revenue to be realised from the raiyats. Hence the zamindars were invested with a power of ejectment over all raiyats, *khud-kasht* or *pahi-kasht*, whether or not they had a right of occupancy. Any raiyat who did not have a right of property or transferable possession, was liable to ejectment for arrears of rent even without recourse to law, (clause 7, sect. 5, Regulation VII of 1799). Moreover a power of distraint, not only of produce of land but of all personal property and cattle of the defaulting raiyat, was vested in zamindars. They were empowered to realize rent (arrears above Rs.500) from tenants and dependent talukdars by summary arrest and summary sale of the under-tenures (Sect. 9 and Reg. XXXV of 1795 and Sec. 14 and 15, Reg. VII of 1799). Only the plough and implements of a raiyat and

cattle trained to the plough could not be distrained. In theory the *khud-kasht kadimi* or resident raiyat - and he alone - had a right of occupancy under the Permanent Settlement, but as the determination of rent according to the *pargana* rate was uncertain, it was in practice at the discretion of the zamindar, regulated either by custom or by competition. Moreover, the power held by zamindars of ejecting, enhancing the rents, and distraining the property of the defaulting raiyats increased litigation enormously between the two parties. But for the zamindar court cases were matters of social prestige as well as economics; the raiyat found it difficult and painful to attend the court: distance of the courts, the expenses of litigation, and, very often, ignorance of the regulations made the raiyats helpless.<sup>29</sup> Worst of all perhaps was the inordinate delay in the disposal of cases. Some pending since 1794 were still uncompleted in 1800. This was a further harassment of the raiyats in rent disputes.

These results of the Permanent Settlement did not of course occur uniformly or all at once. The Permanent Settlement and its subsequent amendments were not fully introduced until 1833, in the North Bihar districts.

The raiyats never possessed absolute right of property in the soil, but by the time the Company assumed charge of the revenue administration, some of them had acquired legal rights. In theory at least the *khud-kasht* raiyats had a right to homestead land and the services of the village officials, and also to hold rights to pasture and forest lands, fisheries, reservoirs and irrigation channels as well as the produce from unoccupied lands. These rights did not rest on the written record, the *patta* which even Hastings treated as an important document. After the Permanent Settlement, however, the relation of landlord and tenant began to be governed as in English law. The *pahi-kasht* raiyats obtained temporary leases; the *khud-kasht* raiyats depended upon proof of long term occupancy. The lease acquired importance. Hence illiterate raiyats who had no *patta* and who did not receive rent-receipt on payment of their dues, were unable to free themselves of the leaden

weight of arbitrary cesses.<sup>30</sup> It was always difficult for the raiyats to conceal the extent of their holdings: the *patwaris* were very careful, in the beginning of the nineteenth century, as earlier, about each and every *bigha* of land in the possession of a raiyat. Landlords were able to narrow down the size of holdings to a subsistence level for both the *khud-kasht kadmi* raiyats and *pahi-kasht* raiyats.

The result was not a revolution of agrarian production. The English realized that revenue depended upon the raiyats or immediate cultivators of the soil (who were most helpless and needed government attention), but Cornwallis had believed that zamindars in their own interest would seek to improve their estates and hence promote the welfare of the cultivators. In practice, one of the few facts on which Company servants were soon unanimous was the mediocrity and lack of character of most of the zamindars. A majority proved incapable of managing their estates and certainly under the new system they had no interest in protecting the raiyats. Yet the rights of the raiyats were held to be derived only from the documents forced upon them by the zamindars (until the law was changed in 1812). Also very disturbing to occupancy right was the amendment of the sales law in 1822 and the interpretation placed upon it by the Judicial Committee of the Privy Council.

In the nineteenth century, the law adversely affected the servile and weaker section of the society, yet on the other hand some *khud-kasht* raiyats and cultivators who acquired more substantial rights on the eve of the Permanent Settlement were able to hold large areas of land from the zamindars at fixed rents, and then to farm them out to other small cultivators and *pahi-kasht* raiyats on a *thika* or contract or on a share-cropping basis. Over decades, there emerged among the raiyats some who were not merely raiyats but practically tenure-holders; these were the *jeth* raiyats, zamindars' *gomashtas* and *ashraf* raiyats. They were generally men of high caste who received rent-free grants or reduced rent demands from zamindars (Buchanan also mentions their existence). In the longer term a prosperous class of



raiylats grew up in some zamindari areas inheriting property and proprietary rights at the instance of big zamindars, while other raiylats suffered under the disabilities which developed among the *pahi-kasht* raiylats, and under-tenants of various kinds.<sup>31</sup> This increase in the power and local influence of rich peasants in the North Bihar districts operated by means of the extraction of produce rent of money lending in the role of village *mahajan*, and most important, of the transfer of raiyati holdings through mortgages and other wise. Such raiylats came to constitute what were effectively dominant peasants in Muzaffarpur, Saran and Darbhanga.

This position depended in part on the law regarding the transfer of holdings under Regulation II of 1822; a raiyat possessing right of occupancy could transfer this holding to another raiyat only by custom. He could also contest the enhancement of rent by an auction purchaser of an estate or by a zamindar. But these provisions would only benefit the strong. Moreover, under the Bengal Regulations since 1793 transfer was enforceable against raiylats who failed to pay rents. Again only rich peasants could benefit. The law provided in effect for transfer of *raiylati* holding and sale of *raiylati* rights at the discretion of landlords as recorded in construction No. 890, dated 11 July 1834 issued and explained by the Bengal *Sadar Diwani Adalat* in a minute recorded on 5 December 1845. In 1855 too, another decision of the *Sadar Diwani Adalat* left the rights and interests of raiylats at the mercy of the landlord: holding could be sold in execution of a money decree. Regulation II of 1822 was meant for those who held hereditary rights of occupancy, but if they could be ejected under law at the instance of the zamindar, then they would be merely tenants-at-will. In general therefore, as Justice Trevor said, the position of *khud-kasht* raiylats was adversely affected between 1815 and 1842, while (it was thought) *pahi-kasht* raiylats had never had any rights independent of the particular engagements under which they held land.<sup>32</sup> Hence what might benefit the few was to the general disadvantage. District reports in 1855—for example, from the joint magistrate and deputy

collector of Champaran - claimed that the cultivator, though nominally protected by regulations of all sorts, had practically no right in the soil, that his rent was continually raised, that he was oppressed and worried by every successive *thikadar*, until he was in some cases actually forced out of his holding and driven to take shelter in the *terai* of Nepal.<sup>34</sup> In short, the first stage in any polarization among raiyats must have occurred under the full control of the landlord, while tenant rights in general were being changed and squeezed under the law.

Thus the transfer of peasant holdings, enhancement of rent, and ejectment based partly on rural indebtedness were general grievances of the raiyats in Bihar. Moreover, a new pattern of agrarian relations was encouraged by the increase of cultivation: indigo and opium in particular required the institutional framework of the landlord and tenants. The main fetter on the cultivators - and the means of ensuring agricultural production - were now the zamindars' sole proprietary right in land, the consolidation of their power, to extract surplus in the form of rent, and on the other hand, their indebtedness at the hands of money lenders.<sup>35</sup>

Thus, by the mid-nineteenth century, the raiyats were subject to rack renting, cesses and high-handed village *mahajans*. The zamindars dictated the terms of tenancy, failing to issue *pattas*, and having their *patwaris* alter the rent rolls at will. With the enactment of Act X 1859, however, the relation of landlord and tenant seemed to become a question of great debate among the British Indian government officials as well as among the liberal peasant supporters of the British Government in England. The object was to protect the occupancy tenants by legislative measures. It was feared that the development of capitalist agriculture, such as was already to be found in England, would be impeded if the relations of landlord and tenant in India worsened.<sup>36</sup> The administrators were all aware of the shortcomings of the zamindars of Bengal Presidency, yet they intended to formulate the tenancy legislation on the lines of Irish legislation. The main purpose of Act X of 1859 was improve landlord tenant relations by defining the rights of

the raiyats and restraining the power of zamindars for enhancement of rent. Act X of 1859 was the beginning of legislation intended to strengthen the position of the tenants. It laid down that a raiyat was entitled to an occupancy right in a holding (not part of the zamindar's home farm) if he could prove 12 years' continuous possession. Rent was to be fair and equitable, and could be enhanced by zamindars only when it was found to be below the prevailing *pargana* rate, or there had been an increase in the cultivated area or in the value of the produce. Conversely if there had been any decrease in the area, or in the value of the produce, the raiyats could claim a reduction of rent. Those holding at fixed rents since the Permanent Settlement, were exempted from enhancement. Those whose rents had not been changed for twenty years, were entitled to a presumption in law that their rent too was fixed. For all occupancy tenants, it was provided that enhancement of rent and ejectment could be made only for specific reasons through judicial procedure. The lands under *khamar* or *nij-jot* - the *sir* lands of landlord or tenure-holders—were exempted from the rule. Indeed the law provided that no raiyat could acquire occupancy rights on such land, which had been exproprietary tenants' land (the land right lost by a tenant) or from a tenant at fixed rate and land given as earned grant. The *sir* land was given occupancy right to tenant from the date he lost his proprietary right.<sup>37</sup>

One effect of the Act was further to subject land-rights to the law. Thus any tenant who held a lease for a period could not have occupancy rights (except by occupancy for twelve years after the term of lease had expired). It followed that unless and until a raiyat had cultivated the land of a zamindar or tenure holder for twelve years and paid rent regularly as fixed by him, he did not have any occupancy right. This Act finally obliterated the old distinction between the *khud-kasht* and *pahi-kasht* raiyats.<sup>38</sup> Henceforth, the only three categories of raiyats in law were clearly those holding at fixed rate, the occupancy raiyats and the non-occupancy raiyats. The Act also began

to set out proper grounds for enhancement of rent, though it was not difficult for a zamindar or his officials to appear to meet them. Indeed any changes which made agrarian rights subject to judicial proof put most raiyats at a disadvantage. It was difficult for them to provide documentary evidence of their possession of a particular holding for twelve years. Zamindars rarely issued rent receipts, and there was no properly maintained record of rights in zamindari offices. These disadvantages, like the frequent changing of the plots to prevent the gaining of rights under the twelve years' rule, affected the weaker sections of society disproportionately. By the same token the Act reinforced zamindari power. In regard to the transferability of raiyati holdings, for example, the landlord's consent remained the chief architect of judicial verdicts under Act X of 1859.<sup>39</sup>

Under the Act, for all its appearance of balance between interests, the principles which were to govern the relations between zamindars and raiyats were still not clearly set-out. On the important question of rent enhancement, for example, the judicial means were complicated: in the absence of official price lists for agricultural crops, even zamindars found it difficult to prove increases in the value of produce. Yet the Act was more than a codification. It was important that it did not provide protection for non-occupancy raiyats, or even set out whether land could be sub-let. Thus the protection for occupancy raiyats did not mean that the interests of the tiller of the soil were protected. One particular section of society, that of the landholders, was taken into account, and an incentive was given to rent receiving. It provided for a path through ownership of property to a secured position for the prosperous peasantry, while ignoring the rights of tenants-at-will who had once enjoyed rights in land, for example as *pahi-kasht* raiyats.

After the Act rural economic power was increasingly based not just on caste, the extraction of surplus, and control of the labour force, but also on the protection of laws, as for the collection of rent and its enhancement. In

this context there gradually developed a competition between prosperous raiyats and intermediaries as a result of the increase in value of produce, and capital formation at the level of village markets. The small peasant economy was being commercialised due to the growth of indigo plantations, and foreign capital investment by planters in the North Bihar districts. These developments reinforced the ideas of the government at home in favour of a revision of rent law. Ever since the Charter Act of 1833, the ideal of *laissez faire* was the weapon with which the newborn western capitalism dismantled the relics of the feudal economy at home and raised abroad its own edifice of international economics. But after the incentives given by the Charter Act to European Settlement, and the development of important commercial enterprises to grow and process crops for the market, there was a more urgent need to adopt the land legislations but also to maintain landlord and tenant relations. Thus the Secretary of State's Despatch on the Charter Act expressed concern about the idea, 'rooted in an European mind of the relation between landlord and tenant'. It was thought that if such a European should purchase the interest of the zamindar, 'he will be apt to conclude that he has acquired that of the Ryot also, and that he may at once proceed to a course of ejectment. If too well instructed to be thus mistaken, yet he is little likely to form an accurate conception of the rights of the cultivator, or of his own, and may by ignorance alone be led to commit acts of injustice, against these evils some provisions should be made'. (Despatch No. 45, Charter Act 1833).

Those ideas did not prevent a rapid growth in the indigo industry in Bihar and Bengal in the decades following the Charter Act of 1833; cotton, tea, coffee and sugar became important products in other areas. Some argue that towards the middle of the nineteenth century British capitalism had attained its apogee - Sydney Webb asserted that British capitalist enterprise had spent itself by the middle of the 19th century.<sup>40</sup> Certainly the accumulated capital of entrepreneur was invested rapidly in commercial

agriculture in the third quarter of the nineteenth century in India.<sup>41</sup> This was an era which saw the beginning of the capitalist enterprises in India, and at the same time a restoration of the purchasing power of the country side: as already remarked, capital formation in the localities helped the rural capitalists form their own networks. The zamindars of Bihar like those of Bengal invested their capital in land and agriculture to the extent of their profit motive.<sup>42</sup> But merchants were not very enterprising except in the cities; much of this deployment of capital was managed by planters and zamindars who largely controlled the rural economy in the later half of the nineteenth century. These changes could not but affect the purposes and character of land legislation during the period. The warnings of 1833 reappeared in a sharper perspective.

The government came to believe that peasants were after all the backbone of agriculture, and, if protected against oppression by the zamindars, could be more useful for agricultural production, a better source of revenue and more able to respond to market opportunities. Whatever the validity of the economics—its' belief in the inevitability of a class of wage earners emerging in the agricultural sector, in the aftermath of an industrial revolution—such structural change had not yet been exported to India, even where the Indigo planters were dominant.

The Act of 1859 marked the beginnings of a modification of the policy of *laissez-faire*. But it soon came under criticism. The landlords' right of distraint, the criteria for enhancement of rent, and the distinction between occupancy and non-occupancy raiyats had increased both the landlords' power, and the amount of litigation. The critics, for example John Beames in 1861, when he was a joint Magistrate of Shahabad—began to report on oppressive treatment by zamindars towards raiyats. This was not at first taken seriously (in this case by the collector) because of rules which supported the zamindars' rights; but gradually it came to be thought that the law itself was at fault, and unsuitable to Indian conditions. Thus the raiyats' ignorance of law was also to an important factor in

their exploitation. Generally only rent-receivers filed rent suits in the courts. Various indigo related disturbances in Bengal and Bihar - the most celebrated in Pabna in East Bengal in 1873 - made the question seem more acute. From the early 1860s, therefore, the rent disputes between zamindars and raiyats and also planters and raiyats attracted a new kind of attention from the government. Hitherto although the system of indigo cultivation was known to be unrenumerative to the cultivators everywhere in Bihar as well as in Bengal, the government had followed a policy of non-intervention. But as the conduct of the indigo planters and zamindars became controversial, so the rent question was more seriously raised. The courts did not appear to have the answer, at least under the 1859 Act. Indeed, Sir Barnes Peacock's judgement in 1862, in a suit for recovery of arrears of rent at an enhanced rate on the plea of the growing value of production, had the effect of removing all the protection which had apparently been intended for the raiyats in 1859, and the Great Rent Case of 1865, which laid down that the old rent should bear to the enhanced rent the same proportion as the former value of the produce bore to its existing value, did not entirely remove the danger, though it mollified the executive officials for a time. After 1866, widespread discomfort and agitation among the raiyats of Darbhanga, Muzaffarpur and Champaran created great concern in government circles. The raiyats were opposing the zamindars' and planters' arbitrary methods of depriving them of their rights to the cultivation of land, and increasing their rents. John Beames, appointed Magistrate of Champaran in 1866, found a 'spirit' of quiet, determined opposition growing among the raiyats against their oppressors.<sup>43</sup> The Magistrate was able to calm down the situation and planters had to agree to increase the price paid the cultivators for indigo: and also to pay fairer wages to the labourers. But the discontent continued, for example in parts of Dabhangā. The rise on prices of other crops greatly reduced the relative attractiveness of indigo. Moreover the planters levied *abwabs* on the raiyats, which usually came to 60 to 100

percent of the rent,<sup>44</sup> and continued to do so even after the Bengal Tenancy Act of 1885, in spite of the attempts made by the government to stop the practice. *Abwabs* were regarded as an ordinary incident of zamindari management,<sup>45</sup> and the planters, as *thikadars* and *mukarraridars*, held zamindari rights. The raiyats were bound to be at their mercy in the prevailing circumstances. Thus the growing discontent among raiyats matched the slow progress of the cultivation of indigo as a result of oppression by indigo planters and zamindars. The government considered encouraging a change on the basis of indigo cultivation from the *assamiwar* to the *zirat* system. But though the *raiyyati* or *assamiwar* system was more oppressive, a *zirat* system was only possible when the non-occupancy raiyats had surrendered their holdings<sup>46</sup> Such a change would create yet more discontent among cultivators.

The outbreak of famine in 1866 and 1874, in Madhubani, Supaul and Sitamarhi and other parts of Darbhanga estate, also attracted the attention of the government. The Famine Commissioners attached more importance to the helpless condition of the raiyats than to the failure of the monsoon rains. The Famine Commission of 1881 accused the Raja of Darbhanga of enjoying all the proceeds of the estate's land, and plunging the agricultural community into destitution and poverty merely because of the failure of one crop.<sup>47</sup> Similar remarks could be made, about Bettiah Raj or Hathwa Raj. But the scarcity and oppression also occurred on small estates. The basis of the problem was on the one hand rising prices of food grain, and on the other the oppressive tenure system whether in indigo cultivation or in general landlord tenant relations. The proprietary right of the zamindars was solidly opposed to any formation of tenant rights on the principle already drawn up in the Act of 1859. The growing power of zamindars and their allies to deal with recalcitrant tenants was evident in ever more frequent rent suits. Their impact on agrarian relations was apparently increased by the transfer of rent suits from revenue offices to the Civil Courts in 1869. Certainly suits for enhancement, ejectment and sale of *raiyyati* holdings for non-payment of rent tremendously increased in the 1870s.



The pro-tenant trend in government was boosted when the Lieutenant Governor visited North Bihar in 1871-72, and instructed the zamindars under the Court of Wards, to stop issuing *thikadari* leases to planters; he also urged the planters to obtain indigo on "mercantile principles" from the peasants.<sup>48</sup> But such pronouncements had little effect on the situation. It had already been argued in 1863 that the rent of an occupancy raiyat did not depend upon the actual capacity of the land and the excess value of the gross produce over the wages of the raiyats and the usual profit, but on local usage or practice.<sup>49</sup> Henry Maine, Law Member of government of India, Sir Charles Wood, Secretary of State and Sir John Lawrence, Viceroy at that time had defended rights of the raiyats. Yet the economic situation and British legal assumptions remained both unfavourable. The judiciary was still not convinced about the need to provide for an occupancy right. By the same token, George Campbell believed in reformatory measures and doing away with the old policy of *laissez-faire*; he held up the example of the numerous problems which beset the relations between landlords and tenants in Ireland, as well as India, and believed that relations were worsening in both places. But he also realised that any direct attempt to injure the landlords and protect the tenants would lead to serious problems for the government.

The main weakness of the British assumptions was the belief in the intrinsic vitality of custom, and its ability to withstand changes brought about by law and other circumstances. The administration was bound to a policy of tenancy protection without having worked out the economics of it.<sup>50</sup> The last Rent Act VIII of 1869, had clearly laid down the conditions on which the rent of occupancy raiyats could be enhanced, but it did not prescribe any rule, nor even any principle, upon which the enhancement could be determined. Yet the actual settlement of rents was never

governed by objective and rational considerations. It was a matter of bargaining between landlord and tenant.

Thus by the time Sir Richard Temple took over the administration of Bengal, the agrarian tension - land disputes, rent questions and hostility between landlord and tenant—had increased. An additional disruption resulted from the imposition of the Road Cess Act. It was collected by the landlords from their tenants who were ignorant of the details of this law. Moreover, when instructions were given to the zamindars to maintain rent rolls, many landlords manipulated their records, enhanced the rents of the raiyats and consolidated the rent and other charges, before they came under government scrutiny. This brought about direct conflict with the raiyats. Here, again, there were shortcomings in official policy. Temple was very much concerned about the oppression of the raiyats of North Bihar and was in favour of legal support for occupancy rights, including protection (except for non-occupancy raiyats) against enhancement of rent. But he believed that the 'competitive rates of rent' which already existed should be the basis of the determination of the rent rates of the occupancy raiyats.<sup>51</sup> His formula was that the tenant with occupancy right should pay 20 per cent less rent than non-occupancy raiyats. He suggested some flexibility around this figure, where the zamindars could claim a certain portion of the difference, 'subject to the length and character of the possession' of the occupancy raiyat.<sup>52</sup> He further envisaged a special law to assist the zamindars in the realisation of 'undisputed' arrears of rent: he was convinced that 75% of the rent suits were viewed as genuine by the zamindars. Hence on the whole, Temple's views were not as favourable to the raiyats as to the zamindars. He was influenced by the notion of the substantive law of the landlord and tenant. The protection which he would offer the occupancy raiyats was freedom from eviction provided they paid their rents, which should moreover be fair and equitable. He believed that the revenue officers could best settle land disputes, and also wanted to strengthen village agencies such as *patwaris*, and to secure the maintenance of

a record of rights. His response to agrarian disturbances and rent disputes was thus to provide for the transfer of rent suits to the civil courts to the revenue *officers*, in a new law - The Agrarian disputes Act of 1876 - which authorised the executive authorities to intervene in serious cases.

This measure was in some ways a landmark; it kept the rent question and *raiyyati* rights very much in the lime light. The focus of attention was also increasingly on Bihar. Sir Ashley Eden was more concerned with conditions there than with those in Bengal proper. He propounded the notion that Bihari peasants needed legal protection, but that the peasants of Bengal did not, since they were stronger than their counterparts. This doctrine deprived also from the Famine Commission of 1874 which had already directed attention to the miseries of the *raiyyats* and poor cultivators and the arbitrary methods of the *zamindars* in Tirhut, Darbhanga and other parts of North Bihar. Similarly the reports of G. Geddes in 1876, on his survey of the condition of the peasantry in the North Bihar districts, established the view that famine affected Darbhanga and other parts, in spite of the fertile soil, because the peasants could not 'tide out vicissitudes by falling back on food reserves or on money resources'. Geddes tended to blame the land tenure system which he considered left the peasantry in the precarious position of being scarcely able to subsist, neither on reserved grain, nor on borrowing.<sup>53</sup> This lack he blamed not on an absolute dearth of resources - help could have been available from rich farmers - but on the *raiyyats'* lack of property: they had no tenant right in a real sense of the term.

Such investigations, on top of the anxiety about the indigo-planters' relations with *raiyyats*, convinced the government that tenant rights, which they thought had once existed, were now being extinguished, and that therefore, the occupancy right needed legal reaffirmation. This view found its way into the Famine Commission of 1881, which proposed that occupancy *raiyyats* everywhere were better fed,

better clothed and generally in a far superior material condition than tenants-at-will. The protection of the law should therefore be extended to those who were losing rights in land. Of course, this did not include those whom the officials held to be originally non-occupancy raiyats.

There can be no doubt that the government was correct, if not in its remedy, then in its perception that the raiyats of north Bihar were generally depressed. Even then the Darbhanga raj was under <sup>the</sup> Court of Wards, between 1865 and 1875, there were instances of illegal distraint, eviction and enhancement of rent; the period saw failures of crops, and brought enormous suffering to the people. During 1874-5, destitute raiyats actually had to flee from the oppression of the raj officials; the number absconding was approximately 5,000 families or 20,000 people.<sup>54</sup> Charles James O'Donnell, a Bengal civil servant, also found such descriptions in the Hathwa raj estates, when arbitrary enhancement of rent by the late Maharaja coincided with a time of scarcity. Again this situation continued even under the Court of Wards.<sup>55</sup> In Champaran, too, frequent desertions had taken place in the 1860s in the Nepali terai. An inquiry conducted by the Commissioner of Patna Division, E. W. Molony, convinced the government not only that the practice of levying cesses, exacting arbitrary enhanced rents and forcibly terminating occupancy rights was widespread throughout the North Bihar, but also that the growing pressure of population was compounding these problems and had caused famine among the raiyats.<sup>56</sup> He suggested a record of rights and changes in the method of the collection of revenue. These ideas were not taken up at once, but the government was now ready to attempt an effective reform. The Lieutenant-Governor constituted a Bihar Rent Committee in September 1878 with instructions to report on the problem and its remedy. It consisted of the Commissioner of Patna, the collectors of Saran, Muzaffarpur and Patna, two legal experts and five indigo planters. The Committee submitted its report in March 1879. Its recommendations were not new, though in its extracts from the existing law under the Permanent Settlement, it

redefined the situation so as to provide original legal rights to the tenants, rights which it proposed should be restored.

A Bengal Rent Bill was drafted in 1882. It took into account also, in regard to Bihar, the recommendations of the Famine Commission of 1881. Indeed, famine had been deeply influential on the government in its analysis of land tenure and rent law: it both proved and explained the poverty of the mass of population. Naturally the Bihar Land Holders' Association vehemently opposed the tenancy bill, and its strengthening of occupancy rights, but this seemed merely to reinforce the diagnosis of the government of Bengal, as then supported by the government of India. Eden claimed that it was desirable above all, 'even at this late stage, to define and strengthen the position of the great mass of cultivators and giving landlords a reasonably cheap and effective procedure for regulating and revising rents and recovering their just dues' thus the reform would be in the interest of both the landlords and the agriculturists.<sup>57</sup> It would not, he said, encroach upon the existing rights and emoluments of zamindar or other rent receivers, but rather was devised to help them in the punctual realization of their rents.

In the late nineteenth century, agrarian Bihar, specially the northern districts, underwent significant change in respect of landlord and tenant relations, production and distribution. The provisions of the 1885 Act provided occupancy rights to those who had held any plot for a period of twelve years. Contrary to the Act of 1859, a raiyat was not allowed to contract himself out of his rights; indeed raiyats were presumed to have occupancy unless proved not to. District headquarters were supposed to keep records of raiyats' and proprietors' interests. The central emphasis of the Act was on the possession of particular holdings and control over the production from them. The tenant was assumed to have the power to manage his agriculture, subject to the payment of a share of the produce as rent. Moreover, the law intervened more directly over rents. Zamindars could legally eject an occupancy raiyat for arrears of rent and sell his holding, only

after a decree for rent in the courts. On the other hand there was hardly any change in the methods of enhancement of rent, which rested particularly on the increased value of produce, and was again subject to rent suits decided by the government. Any such enhancement was to be fixed for fifteen years and could not exceed ~~twelve~~ and a half percent of the existing rent. The Act had certain reservations about the free sale of *raiya*ti holdings, leaving it to 'local custom', and hence to be resolved by a raiyat's and zamindar's mutual agreement, or rather by the dominance of one over another.

The most significant contribution of the Act was in the survey and record of rights which in fact originated in 1878 when a bill was introduced in the local council under Eden's government. The zamindars of Bengal prevailed upon the government to provide them with enough power for the realization of rent. Therefore, the local council's bill tried to meet their demand, but 'the preparation of a record of rights was the executive principle underlying its provisions'. However, the bill was withdrawn as the enquiry into the condition of the raiyats of North Bihar was in progress and meanwhile <sup>the</sup> Bihar Rent Committee had also been constituted to submit reports on the condition of raiyats and rent question in Bihar. In such inexpedient circumstances, no concession could be made to the zamindars unless the entire rent issue had been examined. A draft of the bill was prepared by the Bengal Rent Law Commission in 1882. Eventually, a new Act became law in 1885.

There appear to have emerged two contradictory issues regarding the rights of the zamindar on the one hand and the raiyat on the other, during 1878 and 1882. Zamindars wanted more power for the realization of rent and raiyats required relief from enhancements, illegal cesses and ejectment. Since it was necessary to take into account both the elements of the agrarian society, the only solution visualised by the government of Eden was the preparation of record of rights. Stevenson-Moore correctly observes that the Bill was withdrawn, 'but it should be noticed how the opposite necessities of two extremes focussed their

endeavours on a common object, viz, a record of rights.<sup>58</sup>

Therefore, Eden's administrative zeal and far-sighted ideas in favour of a record of rights became a cardinal principle in the survey and settlement proceedings in the late nineteenth century under the Bengal Tenancy Act of 1885.

The first cadastral survey under the framework of the Bengal Tenancy Act of 1885, took place in the form of <sup>a</sup>Cadastral Survey in 1887 in the district of Muzaffarpur. It was a landmark towards further measures to be adopted for survey and record of rights in the permanently settled areas of North Bihar districts.

The Bengal Administrative Committee Report for 1885-86 held that the Tenancy Act was a compromise, and as a result, if less thorough and complete certainly more workable and practical than it might have been.<sup>59</sup> What this meant was that the position of the zamindars and their followers remained little changed. In regard to occupancy rights, there was no parity in the society, even to the extent that there was in the law. A particular section of the society was favoured, but the actual cultivator was not taken into consideration. As in the case of tenure holders, defined by the size of their holdings, status was given in line with a British system; generally the categorizing was by landlord and tenant, rather than in terms of the village community of India society. But disparity was maintained nonetheless, and partly because the most important task for the law was thought to be the improvement of agricultural production, and the maintenance of landlord and tenant relations, by means of the security offered to one class.

The greatest failure in the Act of 1855 was that non-occupancy raiyats and tenants-at-will were largely unprotected. They could be ejected by the *malik* with six months' notice served on the expiry of the term of the lease. Their rent could be enhanced at any time and if they refused to pay the enhanced rent they could be ejected forthwith. In regard to tenants, the Act did however, help secure the larger or more powerful rent payers by regulating their relations with the land-holders. The critical size of holding varied from area to area, and tenants of one area could not match the tenants of

others. Prosperity also depended upon the value of land, and its productive capacity. Tenants holding land in homestead areas and producing varieties of crops were better placed than those holding land only in rice - cropped areas, although the rent rate was always fixed in rice. The degree of prosperity among raiyats of various regions depended in part upon the fertility of soil, as indeed was the case with minute proprietary interests. Such factors were far more important than legal status in deciding prosperity. Caste was also crucial. Richer tenants were generally Koeris, Kurmis, or Goala or of course Babhans and Rajputs. For these reasons, the tenancy legislation gave rise to a class of tenants nearer to petty proprietors in standing. Therefore, it also suppressed the non-occupancy raiyats and tenants-at-will, who were the real cultivators of the soil, and the agricultural or hired labourers who formed the bulk of the population. The Bengal Tenancy Act failed to protect the productive class which soon became 'superfluous' population. As we shall see, for some the only way out was migration.<sup>60</sup>

In the original proposal of the Bengal Tenancy Bill 1882, the interest of tenants had been given priority. The Lieutenant Governor, as recorded in the Famine Commission's Report, 1881, said that the cultivators had a historical claim on the land they cultivated, and that they must be protected. The most important point kept in view was the establishment of occupancy tenure upon a broad and permanent basis, to protect the raiyats against arbitrary eviction, and give them guidelines as to the payment of rent to be established under rules. In short it was proposed that no raiyat would be evicted on any ground save persistent failure to pay a fair and reasonable rent. Moreover, this right of occupancy was to be in the hands of only bonafide cultivators, and sub-letting by occupancy tenants was to be discouraged if not altogether prevented. At this time, the main purpose of the government was to protect cultivators. But it was also to provide for a continued regulation of landlord-tenants relations. Rents were to be "open to authoritative revision from time to time".<sup>61</sup> It was thought that the rate of rent might vary in each district, otherwise than on the basis



of the quality of land, but the rate was to be subject to similar conditions in each segment of the district. On the one hand, working from existing rents, and subject to the changes in prices, the *rai-yats* were to be ensured a margin of profit as well as an allowance for maintenance and the return of their outlay. On the other hand, an important issue was always the realization of arrears of rent from the *rai-yats* in order to secure the landholding interest. The government thought it necessary to have a "modified system of distraint through the instrumentality of the courts" for the safe recovery of rent in ordinary years. This provided for a devolution of power to the zamindars in the filing of suits against tenants, subject only to *prima-facie* proof that the rent demanded was the rent payable, either because it was the same as in previous years or, if a higher rent was claimed, because it had been accepted in writing by the tenants. Upon this basis the court would distrain the tenant's property against arrears of rent. The tenant would be given an opportunity to appeal and if this was upheld, the landlord could be penalised.

Despite the concern for cultivators, the government favoured those holding occupancy rights in order to separate them from other people in rural society. The Lieutenant-Governor remarked that to hold occupancy rights was to be able to support one's family. They would encourage a situation in which "those who cannot find a living on the land are able to take themselves to other employment." The class of cultivators with occupancy rights would prosper, and be saved from merging "in the crowd of rack-rented tenants-at-will". It was assumed that those who had no permanent connection with the land, also had no incentive to thrift or to make improvements.<sup>62</sup> Certainly, the Lieutenant Governor believed that tenants-at-will should also be protected in their just rights, by any measure that may seem "wise and equitable". But above all the supremacy of the *khud-kasht* *rai-yat* was to be maintained.

Another important factor under the new law was the zamindars' claim to *zirat* on land not occupied by tenants;

it was at the discretion of the zamindar to hold as much as he wished in his private possession. *Khamar* or *Zirat* was the waste or unclaimed land which a zamindar was permitted to hold and cultivate under the terms of his revenue contract with the government. Land settled with *rai'yats* was to be declared as *rai'yati* land. But of course much of the *khamar* or *zirat* land claimed by zamindars was arguably *rai'yati* land. We shall return to this question below.

The main contro<sup>0</sup>versies over the Bengal Tenancy Bill concerned the providing of an occupancy right which was an improvement on Act X of 1859, the right to transfer *rai'yati* land, and the laws restricting enhancement of rent. There was a long debate and several hundreds of reports and discussions over almost ten years. The Bengal Tenancy Act of 1885 was thus to some extent an accommodation with the determined opposition to the rights of tenants, from the proprietary interests, and also a few in the government. The Act bound tenants by law even when it provided occupancy rights, and the principle adopted was to maintain the balance in the society by making the majority of the tenants subservient. The zamindars' enjoyment of their power was still assisted by the full authority of the state, even in regard to the enhancement of rent. The proposition of the state was that rent should be based neither on custom nor on competition but on state regulations based on the movement of prices in agricultural produce.<sup>63</sup> But this was not quite clear to the tenants. Practically, they had to pay more than fifty per cent of the produce as rent including *abwabs*.

In effect the rent law empowered the collectors to fix rents in cases of dispute, after hearing both parties. The hope was that the local governments would thus have greater power to deal with the agrarian trouble which arose from rent disputes. Thus behind the 1885 Act there were also the worries about rent suits and *rai'yats* who never came to terms with the zamindars. Most of the Commissioners wanted to give more power to collectors, especially in Bengal and parts of Bihar, in order to deal with truculent *rai'yats*. Such *rai'yats* existed only in areas where high-caste

zamindars had minute interests, and their caste fellows held raiyat's rights, or where proprietors held raiyati rights in another village. In Bihar, especially in Muzaffarpur and Darbhanga, such instances were found; there were also stray cases in Champaran. In Shahabad too, strong raiyats sometimes created trouble over the payment of rent. In such circumstances, the law binding the raiyats even to hold at fair and equitable rents could suit the zamindars.

The main way in which the impact of the Tenancy Act was felt was through the organisation of work on the surveys and record of rights, which began in earnest in Muzaffarpur and Champaran after 1891. Sir A.P. Macdonnell, the officiating Lieutenant Governor of Bengal, was most closely responsible for introducing the survey in Bihar on the basis of E.W. Collins' experimental survey and record of rights begun earlier in the district of Muzaffarpur. The main intention, for MacDonnell as for Collins, was to protect the rights of the raiyats of Bihar. The survey operations included the assessment of land held under zamindars and tenants, and the realization of rents. They were directed at improving rural administration with the assistance of village officials. Above all though it was the status of the occupancy raiyat which mattered.

This was recorded broadly in two documents: the *khewat* and the *Khatian*. The *Khewat* recorded the various types of proprietary interest in land: the *khatian* was the record of all landholdings of proprietors, tenure holders, fixed rate raiyats, settled raiyats, occupancy raiyats, non-occupancy raiyats, rent-free raiyats and under-raiyats. It also recorded *diara* land and land let on *thika* under a tenure-holder. This classification was made in order to define the land in terms of immovable property. Undoubtedly, the effect, given the difference between occupancy under the new law and the existing structure of tenures, was to give legal protection to one class of the population. In actual practice such raiyati rights remained qualified by power and custom. Some raiyats gaining protection were really proprietors or tenure holders who rented extra land. In law, when a tenure-holder 'merged' his raiyati and

intermediary interests, or on expiry of *athika* lease, his holdings were declared non-occupancy. In practice the holding of *thika* leases by proprietors affected the raiyat's rights. So too, in theory, occupancy raiyats in indigo lands were not affected because they could acquire occupancy rights jointly being *ijaradars* or farmers.<sup>64</sup> But in some cases the factory lands were cultivated as *raiya<sup>i</sup>ti* for seven years, and then taken on lease for another seven years, and again cultivated as *raiya<sup>i</sup>ti*: thus the twelve-year period was never completed and the claim to occupancy right was kept in abeyance. By such devices the *thika* lease still could be used to deny the right of occupancy to a raiyat even if he had held land for twelve years. In effect such lands were being treated as having the character of zirat, in which the raiya<sup>i</sup>ts' rights were also denied quite legally.

By far the most important principles of law and equity however, were involved in cases where joint proprietors or permanent tenure holders purchased the occupancy right of a raiyat at auction sale. The Tenancy Act provided that if an occupancy right was transferred to a person jointly interested in land as proprietor, the occupancy right would lapse but the holding would not. The Tenancy Act hardly gave any protection to raiyats in such cases. Instances occurred in Gaya where actual cultivators of the soil were declared under-tenants, and *raiya<sup>i</sup>ti* rights were transferred to joint proprietors. The rent was increased at the pleasure of proprietors, and lands taken away from the raiyats.<sup>65</sup> Examples of such cases were found in areas where landlords were powerful, and survey operations were not done thoroughly. There had been a tendency among the landlords and proprietors to deny occupancy rights to the tenants and to end their superior status on the land. The record of rights was a device of the government to curtail this power of zamindars, and to establish clearly the size of holdings occupied by zamindars, raiyats and rent free holders and of uncultivated land.

For the raiyats the main problem started with rent free lands and 'zirat land' (Zamindars' private land) in

ascertaining the real nature of the right of occupancy in the former case, and of the proprietary right in the latter. The right to hold zirat land (in whatever form) was most important for the zamindar in order to extend the areas under direct cultivation as well as to assure a good quantity of fertile land. The entry of zirat land in the *khasra* was called *bakasht malik*. Such land was also held by cultivators, though it was never recorded in the raiyat's *khatian*. The extension of *zirat* claimed by zamindars was a direct encroachment on the rights of cultivators. Such lands were also graded as waste land and grazing land, when mostly they were fertile lands held by zamindars. The *zirat* land was sublet to the cultivators and more rent was extracted from them.

The *zirat* claim was pressed much more in the Hathwa Raj area in Saran than in other parts of North Bihar, but the largest area covered was in Darbhanga. The area of zirat in Champaran and Muzaffarpur was smaller, and held in smaller holdings; undoubtedly, the increase in the sub-division of proprietary rights in the North Bihar districts tended to lead to direct cultivation of land by zamindars over extensive areas. On the other hand, the areas under the direct occupation of landlords had increased by 180 per cent during the last sixty years of the 19th century, according to the Settlement Officer of Darbhanga, whereas the areas under occupancy raiyats increased by only 24 percent.<sup>66</sup> This discrepancy is somewhat obscured by the great difficulty in ascertaining the actual size of the holdings of each class of proprietors especially petty proprietors and rich farmers when preparing the record of rights. The sharp tendency among zamindars for sub-division of estates, and caste influence, were always the twin props of the society, both destructive of the interests of raiyats<sup>67</sup> In the district of Muzaffarpur, the cultivated area held by proprietors under direct cultivation or *bakasht malik* was 4.8 percent of the whole. This was not the same extent as *zirat*. The zamindars monopolised a further 11.5 per cent of the settled agricultural area, their average holding being 4.34 acres. Thus in total 15.5 percent of the occupied area was under the direct cultivation of proprietors; the average size of their holding was 3.04 acres.<sup>68</sup> This

shows the minute extent of the proprietors' interests, and the dominant castes' tendency to become zamindars in their own area, thus suppressing the rights of the tenants. In addition to these small proprietors, tenure holders and rent free farmers formed a rent receiving class: the average percentage of the cultivated area in their direct possession could be estimated altogether at around 25 percent.

The increase of the area under the occupation of the landed class was also due to the fact that most of the waste land and grazing fields were claimed by powerful proprietors; they never allowed *rai-yats* to cultivate such land unless on *batai* or lease. More important were the land disputes between *rai-yats* and proprietors. In the late nineteenth century, they were often witnessed over the change from produce rents (*bhaoli*) to money rents. There were also arguments when *zirat* was claimed on land which *rai-yats* held under *bhaoli* rent, and when the zamindar was trying to extract more rent in cash on these occasions. It was ideal for the high caste proprietors arbitrarily impose more rent and cesses on *zirat* land. The record of right was the only means of checking this malpractice, but under it there was hardly any control on the high-handedness of the zamindars, in their own holdings. It could not be denied that *zirat* land was given to a *rai-yat* by his *malik* at his discretion. Moreover most often when two parties disputed the claim that the land was *zirat*, a third *rai-yat* or a rival group would join hands with the *malik* against his fellow in order to gain the land at a slightly higher rent. In the areas of Muzaffarpur where tenants and proprietors of same caste generally fought, opportunist tenants took advantage to obtain *zirat* land for cultivation.

In this context the important questions with regard to the Bengal Tenancy Act of 1885 are: which class of *rai-yats* was intended to be favoured, and what was their status in reality. Obviously, the short answer to the first question is the occupancy *rai-yats*. In the ten to fifteen years after the Tenancy Act was passed, various methods were adopted to give them relief. However, a stronger position for any *rai-yats* as defined in law was objectionable in the eyes of the zamindar. The fate of occupancy *rai-yat* and fixed-rate *rai-yats* slightly

differed as far as the nature of their tenure was concerned. The reason was that the rent question was continually under official consideration. The Tenancy Act in 1898 which dealt with the remodelling of Chapter X, basically provided a more summary procedure for settling rents in cases where a settlement of land revenue was being made. The survey and settlement operations brought various new lapses to light. The amendment Act of 1907 therefore attempted to make the record more effective before the courts. Subject to these changes, the period between 1885 and 1907 was devoted to guaranteeing the right of occupancy to tenants by means of the record of rights.

However, the reality was quite different. The settlement operations found that in the villages the abuse of power by the landlords had immensely increased despite the apparent encroachment upon their power in the Tenancy Act. The legal provisions were generally circumvented by the landlords, and the benefits of the legislation to the tenants were marginal. The absence of fixed rents and definite tenant rights in practice provided the landlords with the opportunity to enhance rents and force the eviction of tenants from the lands occupied by them for generations.

It cannot be denied that there existed some superior tenants whom the law could assist. Often they were the tenants called raiyats at fixed rates whose number varied from district to district, but who in any case did not hold more than 2.2 per cent of the total occupied area. The average size of their holding was 2.5 acres, or in Saran 3.4 acres, more than double the average size of other *raiya*ti holdings. They were numerous in Muzaffarpur, and also held *mukarrari* leases in Darbhanga. They were superior in status to the general raiyats. Therefore, in some respects fixed-rate raiyats were the match for the petty proprietors (whose private holdings were on average much smaller). Rent free holders and *birtdars*, *barahils* and *goraits* were quite near to fixed rate raiyats in status. These included Brahmins and other high-caste officials, as well as relatives of the zamindar. They were more important in Darbhanga than in any

other district in North Bihar, occupying one-tenth of the cultivated area. But even in Muzaffarpur, Champaran and Saran they occupied more than 4 per<sup>c</sup>ent of the total area. The most numerous rent-free tenures were those granted for religious purposes, which amounted to more than three quarters of the whole. Generally they were associated with the estates of the great rajas. Their status as rich tenants, though in large part due to their occupancy tenure, really derived from the protection of the zamindar. Thus they enjoyed the best possible *raiya*ti right: they did not pay rent, but let out their lands to small cultivators as *batai* or on lease.<sup>70</sup> The average size of the holdings of such *raiya*ts was tiny, only 0.80 percent of an acre. This may be accounted for by the fact that most of the rent-free grants had been divided into nearly as many proprietors as the original grantee had descendants. The Settlement Officer of the North Bihar districts did not deny their *raiya*ti rights. Rather they were categorised as tenure-holders when they did not cultivate their land, as happened in most of the cases in Darbhanga. Smaller holders of such rights were recognised as rent-free *raiya*ts. Thus, after the record of rights, this class of *raiya*ts was as dominant as ever in the guise of small proprietors and fixed-rate *raiya*ts.

The position of the fixed-rate *raiya*ts depended largely on their security of tenure and the fact that they paid rent at lower rates than any other class of *raiya*ts. British laws merely reinforced their advantages. The land-revenue tenure structure since the time of the Permanent Settlement had become so complicated that even the later Tenancy Acts could not remove all the anomalies of agrarian problems. The revenue officers, when including rent free land in the record of right, and in other cases to fix rents according to the prevalent rate, usually failed to overturn the dominance of the zamindars. It was thus that rent-free holders were declared tenure holders.<sup>71</sup> It can be argued that the policy was intended to increase the number of more prosperous rent receivers, rather than provide an equal opportunity, under the occupancy right, to tenants in general.

The figures drawn by the Settlement reports show very high numbers of occupancy *raiya*ts in North Bihar. It is



necessary, however, to distinguish within this large category of superior raiyats. In addition to those already discussed, there were, for example, *jeth* raiyats regarded in the eyes of the law and who were in practice debased proprietors. Such elite groups, rather than being true raiyats, formed a different category of proprietors, often equal to those small zamindars and proprietors who were rent receivers and revenue payers to the government. In this way, tenure holders of various kinds also held the *raiya*ti rights and were said to be *raiya*ts. So too were debased proprietors both in the indigo areas and elsewhere. Many such peasant proprietors sprang up as a result of the *batwara* system: very numerous petty estates had come into being by the 1880s. Such *raiya*ts were quite rich in resources and superior in caste rank, <sup>and</sup> absorbed the holdings of low caste raiyats and expanded their own. They also expanded from single family groups into various branches and thus maintained a superiority over raiyats holding lesser areas of land. Practically, they oppressed their fellow raiyats who were inferior in caste and economic status: most of these people were *Rajput* or *Babhan* or in stray cases *Kurmi* and *Goala*; there were also rich Muslim *jeth* raiyats.

They were not, however, unified amongst themselves. They showed jealousy and interest in litigation, mostly over boundary disputes and the transfer of tenants - they all preferred weaker raiyats. In the late nineteenth century, during the time of survey operations, such disputes were found on a large scale in the North Bihar districts. They were not between rival peasant proprietors, but rather between peasant proprietors and raiyats, over such issues as non-payment of rent. There was litigation resulting from blood-shed, and false witnesses in district courts. Indeed the level of civil and criminal proceedings at the instigation of big proprietors and share-holders puzzled the judges and collectors. One reason for their frequency was that they involved the prestige of particular castes and rich peasant proprietors. In such circumstances it was particularly unlikely that the Tenancy Law would guarantee that helpless and lowly raiyats would get

justice in court. Verdicts were usually in favour of the proprietors or the rich, the village *mahajans* and *thikadars*.

Moreover, rich peasants were able to absorb the holdings of occupancy raiyats, and then let the land in such a way as to disallow the tenants any claim to it; they also frequently changed the tenants. Thus those peasants such as jeth raiyats or village *mahajans* and *maliks* were opposed to the real landlords. Nonetheless the immediate effect of their rise was on other raiyats and not on zamindars. In practice, they turned some of the occupancy raiyats into tenants-at-will.

Stevenson Moore, the Settlement Officer of North Bihar, said that in addition to areas in North Bihar held entirely by *mahajans* and big zamindars, there were larger areas held by tenants. They covered upto 90 percent of the area in Muzaffarpur,<sup>72</sup> and 79 percent and 85 percent in Saran and Darbhanga respectively. These figures include fixed rate raiyats whose number was hardly 5 percent all over the districts. On the other hand, Allen, the sub-Divisional officer of Hajipur in his Administrative Report for the year 1881-82, said that petty *maliks* suppressed the raiyats; and that comparatively, such suppression was less severe where larger proprietors' interests were dominant - even compared with Darbhanga, where suppression of tenants was extreme. Such arguments raise the suspicion that in reality the quasi proprietary interest of an occupancy raiyat in the hands of rich peasants, would result in a reduction of the number of raiyats holding occupancy right, while the number of non occupancy raiyats would increase. The Assistant Settlement officer, Babu Bhupendra Nath Gupta, claimed that most of the villages were held by *Khurdia maliks* (in effect peasant proprietors) who were better off than ordinary raiyats. They held the major portion of the village in physical possession, and paid rent to their co-sharers for any land held in excess of their legal interest. Although they were notorious in the treatment of their raiyats, they were most industrious people who would not be bettered in their social status and economic power.

While analysing the nature of occupancy raiyats, *maliks* and *jeth* raiyats one can find differences not only in the size

of their holdings but also in the justification of their claim to areas of cultivated land and rental income from their raiyats. The status of a rich peasant, though not that of the landlords, was practically equal to theirs. Whether they paid revenue to the State or not, or even if they paid for a certain area in certain village, they were not debarred from holding the effective status of a landlord, though in fact, they held occupancy rights on large holdings. They were numerous not only in the one district where they were obvious from the revenue record, but in the whole of North Bihar, and in the districts of Shahabad, Patna, Bhagalpur, even in the zamindari areas of Darbhanga Raj to Purnea and Saharsa.

These rich peasants did not have any absolute power, but they were a kind of intermediary, who came into being due to social and economic changes. The Tenancy Law ignored this differentiation which was due to the increase of the market economy, commercial crops and the penetration of European planters in the North Bihar districts. The particular status of peasant proprietors grew up within the zamindari right at the expense of the actual cultivators of the soil. In the late nineteenth century, the oppression of such raiyats increased, through high rents, cesses and subjection to court cases. Only the influential raiyats escaped those *maliks* and peasant proprietors who had the support of *zamindars* and big proprietors, and who belonged to high castes. Zamindars preferred this class of peasants to cultivate *ghair mazarua zamin* and to occupy grazing and waste land with the assistance of agricultural labourers. Therefore the majority of the rich peasants formed a basic unit of the *zamindari* system, based as it was on the principle of private property, and class differences in the form of caste.

Arguments have been advanced suggesting a disintegration of the proprietary interests of rich peasants in the late nineteenth century due to the mismanagement of estates, family disputes and non-payment of rents and revenue to co-sharers and government. Such instances were found in stray cases and were detected by the Settlement Officers in the district of Muzaffarpur, Saran and Darbhanga, especially in those areas

where the holdings of such peasant-proprietors were no larger than those belonging to proprietors who were given proprietary rights at the time of the Permanent Settlement or who were hereditary zamindars. But the main concern was rather with the absorption of the right of occupancy of the raiyats in the quasi-proprietary holdings of the rich peasants; this paralleled the accumulation and expansion of the holdings in so called estates that had occurred since the Permanent Settlement. Practically, these rich raiyats were responsible for a further shrinking of the size of the holdings of the remainder of the raiyats, who were being squeezed out.

There developed a struggle and competition in society to maintain the stronghold of zamindari right on the one hand, and to protect the interest of the rich raiyats according to law on the other hand. The question arises, who was best able to protect his interest in society in relation to the law. The answer is the stable class of cultivators, strong in caste, size of holdings, security of tenure and freedom from debt;<sup>74</sup> they formed a particular class of the peasantry, who can not be categorised merely as occupancy raiyats. They were above the rank of occupancy raiyats in general. Others were those who depended on their *malik*, paid rents regularly, held not more than three or four bighas to 3 acres of land, (it differed from district to district) and were ejected from their right for non-payment of rent, and above all, paid various kinds of cesses.

Of course a category of occupancy raiyat, in that sense, did exist - above tenants-at-will and the non-occupancy raiyats who had no rights in land; it is possible to describe it in terms of averages which differed from district to district and area to area, depending upon local control, the fertility of the soil and the dominance of particular castes. In multi-caste villages such occupancy raiyats depending on the size of their holdings and their status in regard to cultivating land, were very dependent upon the proprietors. Between each caste group, anxious to occupy more land, there was always competition. Each would vie to maximise production for the proprietor and thus become involved in petty politics. The tendency, with such competition, was generally for the raiyat

to loose his rights and become a share-cropper or a lease holder on the zamindari land. There was always the prospect of having to pay more rent every year, not just by virtue of increasing agricultural prices, but through the dishonesty of *patwaris* and their manipulation of the rent rolls. The general sum of such raiyats had little or no legal protection. The Survey and Settlement operations found innumerable cases of failure to issue rent receipts. They revealed that the amalgamation of holdings, and the removal of them from one raiyat to another were also quite common.

The weakness of the average raiyat was not simply in the average size of his holding, which was around 1.6 acres. After all, even the lowest raiyat could also hold land on *batai*, or from other estates. A more important point with regard to the size of holding is that even the smallest was often fragmented. There would be one fraction in one village, one far from the homestead land, one in *chaur* or a *diara* area. This diversity and fragmentation of land affected production as well as the protection of the occupancy rights. In Saran, where the proprietary interest was very minute and land was costlier and more valuable than in other parts of Bihar, a single raiyat would be under the control of three or four proprietors to whom he owed rent, paid cesses and so-on. Such a raiyat had in effect to fulfil the demands of the upper strata of society; his occupancy right depended on it.

With regard to the size of holdings, one must distinguish between caste influence and geographical or demographic factors. In the 1870s Hunter found that the size of cultivating holdings in Tirhut varied from north to south. The southern parts were more fertile than the rice tracts of the north, hence raiyats' holdings were larger in northern parts. This did not in itself alter the differentiation between raiyats, but it certainly made for greater pressures in the south. These holdings were supposed to range from four to thirty acres<sup>75</sup> but in districts such as Saran some of the holdings were much smaller, at least in the late nineteenth century. The movement of population was generally towards most fertile tracts, i.e. southern parts, and taking into account this pressure, the size of many holdings was certainly smaller than

the average estimated either by Hunter or by the settlement officers. The evidence of measures taken by the government in the 1880s and 1890s encouraged the migration of population from densely populated areas<sup>76</sup>. Finucane stressed the need for migration due to growing paucity of land<sup>77</sup> and this reinforced the impression of a scarcity of land for the raiyats. The fertile land was in the control of zamindars and rich peasants.

On the basis of Census Reports and figures, the settlement officer of Darbhanga, determined the average area in the cultivating possession of an ordinary agricultural family, as 3.62 acres. This estimate overlooked the differences between the majority of population living on subsistence holdings. Moreover, there was hardly an occupant raiyat in the southern part of north Bihar who held 3.62 acres in one single location. According to the Dufferin Report, the collector of Darbhanga said that in the villages examined by him, 60 percent of the raiyats held less than 4 Bihar *bighas* of land; he added that there was no doubt that more cultivators occupied 2 *bighas* or less than 2 to 4 *bighas*. Such small holdings (he believed) were sufficient for the support of a tenant's family if they were fertile.<sup>77</sup> In the southern parts, most of the land produced double crops due to the high fertility of the soil, but the value of land was also higher. In Saran, the rent rate was higher than in any other part of Bihar except Patna.

The subsistence holdings can hardly be evaluated on the basis of area alone. The Dufferin Report's estimate that a cultivator family of five (two adults and three children) required 4 acres for a comfortable living, was also too vague. Above all, the question was not one of the man to land ratio; rather the question was in what proportion zamindars, proprietors and tenure holders, or indigo planters and the government, held the cultivated part of their land in direct possession. The inequalities are clear in the caste wise distribution of land. Typical figures were provided by the

Settlement Officer of Saran district. On the basis of a survey of 100 typical villages selected all over the Saran district, the caste wise distribution of land has been dealt with in the following table. It shows which caste held land exceeding an average of 2 acres. It also shows the number of cultivators and landless labourers as a percentage of the district population as given in the 1891 census.<sup>7</sup> The following table shows the caste-wise distribution of land holding, the size of the average holding, and the percentage of the caste population holding more than 2 acres. The sample is selected from 100 village.

Table-4

Caste	Size of average holding acre (under one landlord)	Percentage of the Castes Population holding more than 2 acres	Percentage of total cultivated area
1 Brahmin	2	7	11,
2 Bhumi har	2	5	3
3 Rajput	3	11	24,
4 Kayastha	3	2	4,
5 Sayed	1		0,
6 Sheikh	2	3	4,
7 Goala	2	12	10,
8 Koeri	2	7	9,
9 Kurmi	2	5	5,
10 Bind	1		3,
11 Chamar	1		2,
12 Dhanuk	2	1	1,
13 Dusadh	1		2,
14 Ganedi	0		0
15 Kahar	1		0
16 Khatik	1		0
17 Mushahar	1		0
18 Nunia	1		2
19 Tatwa	1		0
20 Turha	1		0
21 Atith	2		3
22 Mallah	0		0
23 Paithan	2		1
24 Jolaha	1		1
25 Kunjra	1		0
26 Others	1		17

Sources: Saran Settlement Reports, Paras 46, and 47

The following table shows the figures for the whole district of Saran extrapolated from the findings in the 100 villages above. It gives the percentage of pure cultivating

castes and of the cultivating \_\_\_\_\_ and landless castes of the district's population.

Table-5

Caste	Percentage of pure cultivators	Percentage of cultivating and landless labourers	Percentage of district population
1 Goala	15	15	12
2 Rajput	14	0	11
3 Brahmin	9	0	7
4 Koeri	6	13	7
5 Bhumihar	7	0	5
6 Kayastha	2	0	2
7 Kurmi	6	7	5
8 Sheikh	3	4	3
9 Jotaka	3	9	
10 Mallah	1	2	
11 Dusadh	3	7	
12 Chamr	4	11	
13 Turha	0	1	
14 Bind	1	1	
15 Dhanukh	0	1	
16 Tatwa	0	0	1

In addition, it was found \_\_\_\_\_ that 56 percent of the total population were pure cultivators and 27 percent labourers engaged in cultivation who had no land. Therefore, 83 percent of the total population of the district of Saran was engaged in or depended on agriculture. Of the other 17 percent, 9 percent was engaged in government jobs, the district administration and others were European indigo planters. The rest of the people were beggars, invalids and those who were not regarded as a productive force in the society.

If an analysis of this table is made on the pattern of the above survey the following conclusion can be drawn.

The following table shows the percentage of pure cultivators, cultivating and landless labourers and other callings in the 100 villages of the Saran district:



Table-6

	Castes	Pure cultivators	Percentage of cultivating and landless labourers	other callings
		Percentage		
1	Rajput	72	-	28
2	Brahmin	78	-	22
3	Bhumihar	75	-	25
4	Kayastha	67	-	32
5	Goala	68	32	28
6	Kurmi	64	36	22
7	Koeri	49	51	25
8	Sheikh	63	37	32

Source: S. R. Saran Paras 46-49

It would seem that the upper castes, Rajputs, Brahmins, Bhumihars and Kayasths shared major portions of the cultivators and others also matched comparatively as pure cultivators. While lower castes were both pure cultivators as well as landless and engaged in agriculture for their livelihood, upper castes were in village and district administration, and were engaged as revenue officials, constables and armymen, as well as working in zamindari and proprietary estates. Mostly people of other callings were employed and earned good income. Those who held tenures and thika leases also fell in this category. On the whole, the settlement officer's observation is quite clear that 64 percent of the pure cultivators, 20 percent of the landless labourers and 16 percent of the population falling in other callings and miscellaneous needed no further demonstration. Therefore, 84 percent of the population depended on agriculture in Saran. This model could be applied in the whole of the North districts and an idea can be formulated about the raiyats' fate in the agrarian society of North Bihar.

Throughout the North Bihar districts, the upper castes, especially Rajputs and Bhumihars, had the largest holdings. Then followed the important cultivating castes; kurmis, Goalas, Koeris, and Muslim Sheikhs who held individual holdings of an average of 2 acres. The major 11 castes whose size of holding was an average of 2 acres formed 55 percent of the population. Though these castes accounted for 55 percent of the total population, they occupied 74 percent of the district area. In Saran, according to the estimate of the Settlement Officer on the basis of the above Statement

compiled from the Census Reports 1891, the pure cultivators formed 64 percent of the population (they comprised of occupancy and non-occupancy raiyats), cultivating and landless labourers depending on agriculture formed 20 percent and others 16 percent.<sup>79</sup> Certainly occupancy raiyats primarily came from the 11 castes forming 55 percent of the district population but the exact percent of proprietors and village *mahajans* cannot be worked out unless size of holdings of each caste is minutely examined. The four major castes of Saran held 41% of the cultivated areas. This is a clear indication of the number of occupancy raiyats and village *maliks* holding proprietary right in a disproportionate manner. Moreover, such statistics underestimated the predominance of the rich peasants and proprietors.

The 'village notes' and *Jamabandi* papers were hardly correct, based as they were on the information supplied by proprietors, and their servants, *patwaris* and *qanungos*. And even if they were genuine, they did not reveal individual holdings: the proprietary interest was so minutely divided that even a raiyat holding two or three acres of land in one village could act as the proprietor or *malik* in another. The same situation applied both in the big zamindari estates and in small proprietary areas. The status of the lower castes was, on the whole, depressed as far as their tenure was concerned as it was in other respects. If they held a legal occupancy, it was not one which could be measured in practice on the same scale as that of the upper castes. There are various instances of enhancement of rent, evictions and transfer of landholdings of lower caste raiyats not only in one district, but in the whole of Bihar. For example, when the survey and settlement operations in Shahabad in the Dumraon villages of Hathwa raj were made in 1901-3, it was discovered that no raiyat was recorded in the *jamabandi* holding at a fixed rate or having occupancy rights. All of them were called upon to prove their claim to status by producing receipts and showing uniform payment of rent for twenty years. Since the raiyats were not provided with receipts, this was impossible, some of

them did not even attend the settlement camps as they were afraid of their proprietors. The report further revealed that rent had not been changed for twenty years in the Hathwaraj villages in Dumraon and Dumraon areas by the proprietors for 40 years. But the proprietors put forward their claims that receipts were issued to the raiyats during the last twenty years and they got the rents fixed according to prevailing rates .so

Another important issue affecting the position of raiyats was the transferability of holdings. In September 1894, the Director of Land Records and Agriculture issued an order for the compilation of statistics regarding the transfer of occupancy rights. The record was not to be limited, like those in regard to proprietary rights, to transactions which had already taken place in the 1880s; all the transactions which came up during the attestation period of the Survey and Settlement operations were to be registered. On the basis of village notes, it appeared that in 83 percent of the villages, there were cases in which tenants rights were transferred through mortgages or sale. Generally, the nature and extent of the transfers varied according to the strength of the zamindar and the economic condition of the raiyats. In Muzaffarpur only 52% of the occupancy holdings were affected, though they covered all the thanas. But in this district, as also in Darbhanga, wherever zamindari dominance was greatest, the enforced selling or transferring of *raiya*ti holdings was very prevalent. Population density was another factor. The average area affected by sale in Saran was less than an acre, but in Champaran it was 2½ acres. On the other hand the area transferred by mortgage in Saran was more than double that in Champaran, and five times that in Muzaffarpur. Stevenson-Moore has shown throughout his final report on Champaran, that waste land was abundant there, that rent rates were low, holdings larger, and cultivators careless and improvident. Because of the peculiar local circumstances, land sold outright in Champaran at a lower rate than it would fetch under a mortgage. In Saran the position was quite different. The competition for land was keen and holdings were smaller. A raiyat who needed money dared not sell his holding; he

preferred to mortgage it.<sup>81</sup> In such areas, fractions of holdings were taken away by zamindars or rich peasants and the loss was greatly felt by poor raiyats. The average area affected by transfer of *raiya*ti right was over half an acre in Saran, as against one acre in Muzaffarpur and more than two acres in Champaran. The average money secured by each transfer was Rupees 53 in Saran, Rs. 60 in Muzaffarpur and Rs. 75 in Champaran.<sup>82</sup> It increased to Rs. 100 later.

But the most remarkable aspect of the transfer of *raiya*ti rights was the extent of the raiyat's credit which enabled him to borrow without giving up physical possession of his holding or even of some part of it. One reason was the attitude of the zamindar. Thus, by contrast, in the Darbhanga Raj area, sales were more numerous and affected a larger area than mortgages. The reason was that in this estate, purchasers were given unrestricted recognition subject to the payment of a nominal *salami* or registration fee. Moreover, it was not difficult for a purchaser to ascertain the arrears of rent due from the holding of an occupancy raiyat from the Raj rent rolls which were quite systematically maintained. It is clear too that Darbhanga Raj used transfers for its own advantage. The greatest evidence of transfer was found in its area, especially in Madhubani sub-division, and in Alapur. When Finucane made his survey, he found that Phulpara thana was grievously affected by the transfer of *raiya*ti rights by the proprietors of Darbhanga Raj. Nothing            done by the government, not even the settlement operations, restricted this.<sup>83</sup>

Who were involved in such transactions? In the districts of north Bihar, moneylenders grew up among the rich peasants and took advantage of the impoverishment of the cultivators to deprive them of their occupancy rights. The basis of this more active role of *raiya*ti money-lenders as well as professional *mahajans* was the higher rate of rent being imposed and realized from the raiyats. Rents varied from Rs. 4/5 in Saran to Rs. 7/8 in Patna - but were generally high in comparison with the raiyats' resources.<sup>84</sup> The money-lenders mostly provided mortgaging under the *zerpesgi* or usufructury system, whereby repayments were deducted from the produce of

the holding often at a rate of more than 50 percent, This was quite apart from any additional abwabs which could be extracted.

In most cases, the money obtained as a result of a sale was adjusted against rent arrears. The raiyat did not benefit. In the case of mortgages much depended on the actual size of the holdings of a raiyat. For those with little credit, the loan was a compulsion, arising from debts incurred for social and family obligations, or the payment of arrears of rent. These were also the important reasons behind a raiyat's loss of his holdings. The Bengal Tenancy Act of 1885, in which the transfer of occupancy right was allowed by custom, was not an effective way of dealing with the arbitrary transfer of the holdings of raiyats. The officials posted in sub-divisions during settlement operations observed that big *maliks* usually looked with jealous eyes on the exercise of the right to transfer and they tried to repress the custom; they profitted from the threat or reality of transfer under their own control, to fix enhanced rates of rent. In *pattidari* villages, the proprietors were themselves purchasers of the occupancy rights of raiyats, and in most places, joint-proprietors purchased them too. *Benami* transactions were a common phenomenon, and *maliks* used to sell lands, before the Settlement operations, to rival raiyats, making use of their local influence.

The sale and mortgaging of land increased enormously, by 173 and 297 percent respectively over the late nineteenth century. These figures show the growing value of land. The registration procedure gave much incentive to the landlords and other purchasers in terms of security of title; but to small raiyats it gave hardly any benefit. Enhanced credit in rural market and the increasing value of the occupancy holding, merely assisted, in most cases, the concentration of land in the hands of proprietors and rich peasants. By sale or mortgages, the poor raiyat was often ruined and became a landless labourer. Money lending brought profits to a particular class of the village population, and their direct or indirect holdings of land grew accordingly. The average

size of occupancy holdings shrank, and the number of non-occupancy raiyats and tenants-at-will grew.

In the long history of raiyats, the man to land ratio inevitably influenced the occupancy right in land. But in the British period various debates proposed state intervention to regulate landlord-tenant relations and provide rights to tenants; they culminated in the Bengal Tenancy Act of 1885. Henceforth, a raiyat who had cultivated land for twelve years was entitled to an occupancy right to an equitable rent. In practice, however, legislation and even the cadastral surveys, could not alter the impact of social, demographic and economic conditions. In the late nineteenth century, there was an unanswered demand for the relief of the population from the oppression of landlords, from illegal rents and arbitrary ejection. It is true that the record of rights claimed that 80 to 90 percent of the raiyats held occupancy rights in the North Bihar districts. But <sup>the</sup> Dufferin Report also suggested that 40 percent of the population was landless.<sup>ee</sup> The supposed preponderance of occupancy status is very puzzling in comparison with the known poverty of the area. Clearly the survey and settlement proceedings did not give a true picture of the agrarian society and the condition of the masses. One is led to believe that 15 to 20 percent of the population formed a class of landlords and rich intermediaries including tenure-holders. Evidently, the Settlement operations overestimated the number of occupancy raiyats, in so far as their actual rights in land were concerned. The Collector of Darbhanga reported in 1887 that raiyats in Bihar held less than 4 *bighas* on average, and that the majority of the population held small holdings which were insufficient to support their family.<sup>ee</sup> The causes were said to be low wages and the social dominance of the upper classes. What is more, British records suggest that this situation was worsening, as raiyati holdings were wholly or partially transferred to rich peasants. The size of the holdings was decreasing through such transfers and because of population pressure. But, as the condition of the majority deteriorated, the rich peasants and zamindars, the *mahajans* and money-lenders, the village

officials, *pat\_waris*, and *gomashtas*, all made their fortunes.~~es~~

## CHAPTER IV

### LAND RENT

The agrarian society of Bihar was formed from the combination of the various types of land tenure ever since the Permanent Settlement. The rights of tenants and the terms and conditions of their claims as occupancy raiyats, non-occupancy raiyats as well as tenure holders, changed at various stages in the nineteenth century. But the land rent was determined in principle on the basis of the produce of land; though the method of determination varied from time to time. The extraction of agricultural income by the landlord and the overall control of the state had been in vogue ever since ancient times, and the burden of taxation had always been on the peasantry.

'*Manusmriti*' says that one sixth of the gross produce of land has to be taxed and in emergency, such as war, the King has the discretion to raise the tax even upto one-fourth of the gross produce. Thus the village community was bound to pay the state. People had developed a concept of income, but agriculture was virtually the only source of wealth. Indeed the religious texts provided only for cesses on agriculture and agriculturists. Hence the royal share was accounted for mainly in a large number of customary taxes which could be derived from the land. Increases could only be achieved by new taxes on agriculture. Besides the regular *bhaga* (share) of one sixth of the produce, the royal income was derived from groups of villages in the form of a lump assessment known as *pindakara* which the village community paid. The peasants also paid irrigation tax (*hiranya*), royal army tax (*senabhakta*), garden produce<sup>tax</sup>(*kara*), and a religious tax known as *bali*. Apart from these customary cesses, the peasants were bound to raise second crops in order to supplement the income of the state. The nature of production on a peasant's plot was determined as much by the needs of his own subsistence as by rent demands; and the major portion of the land was in the possession of the free-peasants who paid revenue to the state directly. But because they were subject to the imposition of



taxes, besides having paid the fixed portion of their produce as regular revenue, their position as free peasants naturally depreciated. The economic power of the local officers and controllers gradually increased, more so when 'autonomous' corporate activities accelerated in business, and trade guilds, and through joint contracts, money deposits and various other revenue, judicial and executive functions in relation to the state's central administration also grew. All this was an indication of the growth of local control and the feudalisation of landed property, the growth of the power of landlords and of their monopoly in the village economy. Their privileges were enjoyed by means of land grants to the upper 'varnas' of the society which the king or sovereign of the state offered to the stronger groups. Therefore, we notice the emergence of a class with feudal property and with seigniorial rights.'

The above system remained operative so far as the customary practice of the society was concerned, but the growth of population, extension of cultivation and above all, political changes resulted in the assessment of land tax in a more scientific manner and in monetary terms. Before the Mughals, the King's share had not the characteristics of rent, if modern notions are to be taken into consideration. This was, firstly, because in the King's share, there was no contract. The cultivator in the Indian context delivered the proportion of produce arbitrarily determined by the sovereign, and he did not lay claim to property in the land. The grain payments answered to the description of a tax, rather than to that of rent. However, the land tax was a land rent under the Hindu rulers. The cultivators had to pay, over and above the King's share, an additional share to the proprietary body. There was no competition for the land and many culturable lands were waste. There was no incentive to bring waste lands under improved agricultural production unless the peasants themselves took the initiative. The intermediate interest of the feudal landlords became very active due to the growth of the economy, but rack-renting was not as prevalent as in more modern times.

The fixity of rent and revision of land tax after every ten years under the Mughals made the taxation of agriculture more profitable. Since the system could not continue consistently, due to the fall of the Mughal empire, the zamindars, who were intermediaries and collected rent as well as enjoying a hereditary right to control the local production, subsequently were able to enjoy the major portion of agricultural output at the cost of the state and the raiyats. The absence of central power increased the power of the zamindar, therefore, and thus illegal cesses, mismanagement of land and the ejection of raiyats. One important development was the farming out of revenue villages which came into force after the decline of Mughal empire.

The system of land rent had three contending forces in the modern times; custom, competition and legislation. The grant of ~~the~~ Diwani of the provinces of Bengal, Bihar and Orissa in 1765 provided the East India Company's administration with the opportunity for the collection of land revenue. The raiyats under the Mughal government had suffered rack-renting and from the exaction of various kinds of *abwabs*. During the decay of that power, and under the changed administration since the time of Murshid Quli Khan, the payment of land tax and *abwabs* remained almost at the demand of the zamindars. The Mughal system, having been almost restored after 1765, the English East India Company's first consideration was to raise as large sums from the country as could be collected through the *amils* posted in the various districts. Since the zamindari system was the only available source of land revenue, with the land rent to be collected from the raiyats, the zamindar's responsibility and position in the agrarian society was crucial in the eyes of the English administration; the raiyats were bound to be thought inferior. The maintenance of the zamindari system including the zamindar's overall right to manage agricultural production and control the raiyats, was thus provided under the tenancy legislation.

The Permanent Settlement, which provided "property rights in the soil", certainly deprived the raiyats of their hereditary rights over land. Regulation VIII of 1793 empowered the zamindars to realise rents, and also invested

them with the power of distraint, not only over the produce of the land but also over all personal property and cattle of the defaulting raiyats. The *khud-kasht* raiyats' status was recognised as better than that of *pai-kasht* raiyats, in that the *khud-kasht* raiyats' holdings were hereditary and could not be confiscated so long as the rent was paid.<sup>2</sup> However, the zamindar's formal power of ejecting defaulting raiyats applied also to those with occupancy rights.

The development in the last years of the 18th century, confirmed the Permanent Settlement Regulations, but made the resident raiyats liable to pay rent at the *pargana* rate (which itself was uncertain); in effect the discretion of the zamindar over the alteration of rents was absolute. The summary power of the zamindar remained in operation for the realization of rent; eviction was broadly recognised for non-payment of rent; and the *patta* regulations, which might have given protection to the raiyats, were not properly implemented. Of course these remained, as well as many customary sanctions which supported the zamindars' land control. Moreover, under regulations in 1819, the benefits of all waste land included within the ascertained boundaries of estates at the period of the decennial settlement were guaranteed to the proprietors, exclusive only of any advantages resulting from improvements.

The zamindars' power of enhancement based upon Regulation V of 1812, and the consequent miseries suffered by the raiyats from illegal enhancement and illegal cesses, in the absence of a record of rights, remained unchanged until Act X of 1859. Even then, the legal changes in the tenure structure and the status of the raiyats, did not bring major improvements in the rent system. The loose system of zamindari accounts, the corruption of the village officials and oppression by the zamindari agents, and the unsatisfactory character of rent suits; all were unfavourable to the raiyats. Their weakness in the face of rent demands was apparent in the reports of the collectors of the North Bihar districts, as reported by Geddes and Macdonnell in 1878.

From the mid-nineteenth century, the extension of cultivation and the pressures of population on the cultivated

areas, largely affected the rental demands of the zamindars. The growth of multiple and commercial crops, and the rise in prices, were obvious pressures to increase the rental demand. The increase in the number of minute proprietary and of intermediary interests was another major factor. Clearly rent was influenced by the growth, in the agrarian society, of varieties of landlords, and tenure-holders, intermediaries, village *maliks*, *mahajans*, money-lenders, and *jeth* raiyats, as well as by the changing definitions of occupancy and non-occupancy raiyats. On the other hand the rental relations left out the landless labourers who were the real productive force of agriculture. Because they were unproductive from the point of view of rental income, they formed a group of the population which counted for nothing in the society.

The amount and conditions of rent payment helped determine the status of the raiyats. The non-occupancy raiyats, for example, cultivated land as share croppers or on contract at the discretion of the *malik*, and paid rent or a share of the produce as he pleased, largely irrespective of legal restrictions on rent and its enhancement. Any increase in the rent rate in the late nineteenth century must certainly have been a determinant factor in the poverty of raiyats, and the increase in the number of landless agricultural labourers. In rent too was expressed the dominance of the upper castes over the lower strata of society, despite the changing legal and economic environment under the British. Rent increases were equally important in the alienation of raiyati holdings and the deprivation of occupancy rights, which were general phenomena throughout Bihar in the nineteenth century.

First we shall discuss the rent rates of the raiyats in the North Bihar districts. A considerable portion of rent was paid by the cultivators from the sale of food grains<sup>3</sup> at rates which differed from place to place. Therefore, local food-grain production was divided into the subsistence food supply, the next season's seeds, and the grain which had to be sold for the payment of rent. The amounts in each category were largely at the discretion of the zamindar; commonly the rental represented 50 percent of output, apart from the *abwabs*. The variation in rent rates depended on the gross cultivated area,

the status of the raiyats and the average size of holdings, but also on the varieties of crops produced in different seasons. North Bihar produced *bhadoi* (autumn), *aghani* (winter) and *rabi* (spring) crops. *Aghani* rice was the chief food crop, but in addition wheat, millet, Indian maize, pulses, oilseeds, gram, potatoes and sugarcane were grown. There were also non-food commercial crops—tobacco, poppy, indigo and cotton and various inferior crops eaten by the cultivators in times of scarcity. Rent was paid both in cash and in kind. Therefore cash rates varied according to the crop. There was also double cropping on the fertile homestead-lands—sometimes four crops a year. In such cases, land rent varied from Rs 8 to Rs 18 a *bigha*. Lands producing such cash crops as tobacco could fetch Rs 17 per acre; high lands where poppy and tobacco were grown paid between Rs 3/12 and Rs 6/4, and other first class *bhit* lands between Rs 2/8 to Rs 6. First class rice land fetched between Rs 3/12 and Rs 7/8 per acre.<sup>4</sup> Different rates were associated not just with suitable lands but with particular crops - thus Rs 2/4 per *bigha* for sugarcane, or between that amount and Rs 3/5 for opium (cultivated on a very large scale). In Champaran, where the average rent was only Rs 2/10, opium lands would pay Rs 3/8 and sugarcane Rs 6 or 7. Rents for indigo were more complicated. The crop was increasingly prevalent in North Bihar, occupying 2½ per cent of the cultivated land in Tirhut at the beginning of the 1870s<sup>5</sup>, and to 10 percent in the late nineteenth century. Land was generally let to the planters by the zamindars under the *assamiwar* or *niz* systems. The raiyats executed agreements under the *assamiwar* system to cultivate indigo on two to three *kathas* per *bigha* (that is, on two or three twentieths of their holdings). Some factories demanded five or six *kathas*. In return, the rents on indigo lands were assessed well below the average for other lands of similar quality, at between Rs 4/8 and Rs 5 per acre in the 1870s. The expenses were greater for indigo than food crops; on the other hand, the raiyats were not charged the extra cesses and *salamis* usually levied by the native zamindars.<sup>6</sup>

Much valuable information on rent rates after the famine of 1873 - 74 was collected by A.P. Macdonnell for his

enquiry into various *parganas* and *thanas* of North Bihar. Moreover, the Road Cess Valuation Act which had already started operating in the Bengal Presidency, also provided for a record of average rates of rent, assessed on the basis of the produce. These show average differences according to use or land type, but the most startling variations between areas and holdings in respect of the same crop and quality of land. In a special enquiry made in 39 villages in Sitamarhi subdivision of the Muzaffarpur district, the rent rates on rice land varied between Rs 1/10 and Rs 6/12 per acre, the average being about Rs 3/12. For the cultivated upland, the rates ranged from 8 annas to Rs 5/12, with an average of about Rs 3. Moreover, the recorded rates might or might not have included additional cesses. They did include them in some Court of Wards estates, but generally zamindars might collect extra amounts at will.

In 1875 the annual rental of the cultivated land in Muzaffarpur was estimated at 51½ lakhs of rupees (more than five million rupees); a similar amount was calculated for Darbhanga. This rent was met in part from the sale of food grains, at a rate of Rs 31 lakhs in Muzaffarpur and Rs 38 lakhs in Darbhanga. Similar patterns were found elsewhere, though Champaran had less cultivated land than the other districts, and rice (*bhadoi* and *aghani*) was grown over a larger area in Darbhanga and Muzaffarpur than in Saran, and least of all in Champaran. In Saran and Champaran other cash crops were relatively more prominent. The annual rental of the cultivated area in Champaran was Rs. 40 lakhs and the food grain sold was estimated at Rs 28 lakhs. Saran had even more the character of growing valuable non-food crops, mostly through double cropping. The rent rate was higher in Saran than in other districts with an average Rs 4/- per *bigha*. The highest rentals were paid by the cultivating castes, such as *kurmi*, *goala* and *koeri*, rather than the upper caste raiyats who generally held the best land. The annual rental of Saran was Rs 48½ lakhs, and the food grains sold amounted to Rs 25 lakhs.

A further variable in rent-rates was caste. In <sup>both</sup> size of holding and rents, the lower caste raiyats differed from the

upper castes; mostly they paid more rent. In 1872 Hunter found that they paid Rs 5/7<sup>an</sup> acre, for holdings which averaged below 4½ acres. This vague estimate must be qualified further: such a rate was likely on rice cropped areas but not on the *bhit* areas where valuable crops were grown, and where the dominance of the *maliks* resulted in higher rents.<sup>8</sup>

The impact of rent varied too, according to the price received by the raiyats. In ordinary years raiyats sold varieties of grains for realising shares of gross rental: best placed were those who could choose their time and their crop for sale. Wheat was dearer than rice, dearer than millets or maize the standard rate of rent was, however, always fixed according to the price of rice. In addition, cash crops, such as sugarcane, oilseeds and tobacco, were often sold to pay the rent. Clearly, an increasing and more regular rent-demand encouraged attempts to increase agricultural production, for example through double cropping or increased area: the *diara* lands also began to produce varieties of food crops. Various pulses (*mung*, *urid*, *kurthi*), linseed (*tisi*), ~~several~~ millets (*kodo*, *marua china*, *sawan*), sweet potato and some fruits, grown in the *diara*, became subsistence crops for the raiyats both in ordinary years, and in emergency when they had to pay their rent by selling their rice. If needed, they sold the above crops too.

Rent paid in cash was prevalent in the North Bihar districts, though there were rents paid in kind in which zamindars took fifty percent of the produce. Since the revenue was paid by the zamindar in money, even produce rents tended to be expressed in money terms at a fixed proportion to the market rates.<sup>9</sup> The raiyats obtained the necessary cash either by the sale of their crops or by borrowing money from the village *mahajan* or *malik*, just as at times they had to borrow grain. Repayment was made in both money and grain.<sup>10</sup>

The government's initiatives on the question of rent began following representations by the zamindars, in the early 1870s. Soon agrarian disturbances in Bengal districts also attracted <sup>the</sup> attention of government and measures began to be considered to improve the conditions of the raiyats, to which attention had been drawn also by the famine of 1873-4. This

was the case, though policy during periods of scarcity was towards providing relief from the scarcity of food, rather than towards altering rent rates — indeed instances were found in the zamindari estates of North Bihar where raiyats were harshly treated over the payment of rent during a grave food crisis. The government came to the conclusion, as S.C. Bailey, Secretary to the government of Bengal, said in 1877, that the greatest need not provided in the law was the means whereby the raiyats could resist illegal distraint, illegal enhancement and illegal cesses, and prove their rights,<sup>11</sup> which were obscured by corruption of the officials and zamindars' illegal claims during rent suits. Since a separate rent law could not be framed for the Bihari raiyats, an early proposal, while Ashley Eden was Lieutenant Governor, was for the appointment of rural sub-registrars with the power of *munsifs* to try rent suits and other criminal cases.

It was felt, however, that the law could not serve the raiyats as it stood. The *patta-kabuliyat* system, for example, was recognised by law but hardly observed in practice. Generally, it was beyond "the power of the raiyat to prove rights of occupancy".<sup>12</sup> Only gradual improvement was promised by such measures as the reform in the system of keeping zamindari accounts by *patwaris*, the encouragement of the exchange of *pattas* and *kabuliyats*, the use of the counterfoil of rent receipts, and the discouragement of amalgamation of fresh lands with existing holdings. Meanwhile, the practice of illegal distraint was universal. In 1877 the Collector of Muzaffarpur recorded, in regard to Hajipore sub-division, that "The Zamindars confess that they resort to private distraint in preference to distraint through the court, the latter involving expense which has to come on the ryot and diminishing his means of paying his legitimate dues, as well as leaving a sufficient balance for his own support."<sup>13</sup> Even the courts could hardly refuse to recognise the power of distraint vested in the landlord, and the pressure from the landlords was all in favour of extending it. A meeting in Hajipore on 10 September, 1877, similarly proposed, that, because of the inconvenience when the raiyats deposited rents in the court, they should be required to give



at least 15 days notice before such deposits, so that their zamindar's agents could appear in the court to draw out the money.<sup>14</sup> In general it was difficult for the officials to resist or disagree when allegations were made against the raiyats over the non-payment of rent. And distraint after all was the system introduced by the British themselves.

Nonetheless the period between 1880 and 1900 was a great landmark for tenancy law and rent. The growth of commercial agriculture and trade necessarily increased the value of agriculture. Zamindars' income grew partly at the cost of the peasantry, and partly because by 1900, 70 percent of the gross rental went to zamindars, and 30 percent to the government. It is difficult to gauge the increase to the gross rental itself. The Road Cess Act, 1871, provided statistics suggesting a total rental of Rs. 16.8 crores by 1900-1.<sup>15</sup> But the total for 1793 is mere guess work. One estimate is that the increase over the period amounted to 360 per cent.<sup>16</sup> It does seem that the rental income of the zamindars of Bihar was higher than that of their counterparts in Bengal. The highest rental income was in the district of Darbhanga.

The records of the zamindars hardly provided sufficient information to the government to assess their rental income. The Road Cess statistics, available after 1876, were also found to be incorrect, because a considerable part of the rental income was not brought under assessment. The reasons were many. First, a large number of estates which came up in the later half of the nineteenth century were not included; they escaped the original assessment. Secondly, small estates paying less than Rs.100<sup>were not</sup> revalued, while *badshahi* and *non-badshahi* estates included under *lakhiraj* were not assessed. Zamindars generally concealed their documents on such estates or did not maintain a record of them. But above all various kinds of cesses, in spite of the warnings given by the government, were demanded jointly with the rent. But zamindars did not consolidate this illegal income with the rent in the *jamabandi* papers and the *khatiyani* of the zamindars. They could be said to be mostly forged documents which were placed before the officials for the assessment of the rental income.

Henceforth the gross rental of the zamindars was a compound of the income from their raiyats' rent and also income derived from *abwabs*. The zamindars who were always in the habit of revising their rent rates on newly occupied and cultivated lands, generally fixed higher rents. Sometimes, the transfer of a holding from one raiyat to another and from one lease-holder to another also extracted more rental demand. The big zamindari demands were always high and they expected higher rental income from the intermediaries who held sub-proprietary rights from them. The tenure-holders \_\_\_\_\_ in such circumstances were bound to raise more and more profit for their overlords. Ultimately the burden of rent fell on the raiyats. In Bengal, cases of passive resistance were found when repressive measures were adopted for the collection of high rents from the raiyats. In Bihar there were no such incidents, except in the areas known for their truculent raiyats, especially parts of Muzaffarpur and Darbhanga. The objections were to rent enhancement, or in some cases of rent-free tenants, against resumption procedures. Though the Road Cess valuation did not reveal the full extent of zamindari demands, it did tend to curb some of the repressive measures for the collection of rent; the levying of illegal cesses on the raiyat also became more difficult on estates under the Court of Wards. On the other hand, the zamindars were given legal protection for the regular collection of rent and assisted to improve the management of their estates. Moreover, there was hardly any concession made to the raiyats, for example for the failure in crops or during the famine periods, and, though \_\_\_\_\_ agricultural prices were soaring in the later periods of the nineteenth century, this was not of uniform benefit to the cultivators. The Tenancy Act of 1885 brought several changes in landlord - tenant relations. The initiative was taken to provide occupancy rights to the maximum numbers of tenants and to reduce the power of zamindars over the enhancement of rent; for the first time, various categories of rent payers were specifically defined. There emerged prosperous occupancy raiyats, often paying rents of higher rates than other occupancy raiyats, and rent-free holders cultivating either directly or indirectly. At the

bottom were tenants at will who had also to work on daily wages. The distinction between these groups widened. The tenancy law tended towards the creation of <sup>a</sup>prosperous class of tenantry which soon acquired the character of sub-proprietors. The weaker tenants suffered, and the stronger intermediaries became virtually a landed gentry, some having holdings of hundreds of acres.

There were several reasons why the law accelerated the rental income of the zamindars and the impoverishment of the bulk of the peasantry. On the one hand it was found that the natural resources of the peasantry, in the changing social and economic conditions since the Permanent Settlement, brought only marginal changes in their status, especially in the case of rent payers. On the other hand, the increase in the cultivated area and in the value of agricultural production brought (at least initially) a marked growth in the rental income of the land-holders. Moreover, the growing intensity of cultivation, with commercial and multiple cropping, increased the economic power of the controllers of the agricultural market. By the time the government <sup>had</sup> embarked on the survey and settlement operations in the North Bihar districts, the pressure of population and the increase in production (as on former fallow lands) had already taken a firm root: the main beneficiaries were the land-holders and rent receivers. According to Boserup, the frequency with which land is brought under cultivation is more important than the amounts of land cultivated or left uncultivated.<sup>17</sup> More frequent cropping has various advantages which are enjoyed by the controller of production rather than by the cultivator.

Customarily, when the fertility of the soil increased or a greater area was brought under cultivation, the zamindar and raiyat came to an agreement about the settlement of the land tax. Rent rolls were revised and an additional amount was received in the treasury of the zamindar. The terms and conditions were also specified by the zamindar. While obliging the raiyat, the zamindar would impose some extra cesses which the raiyat would pay, though they were quite illegal. Compromise was the unofficial practice in the

villages, but it resulted in the increase in the zamindar's income; on the other hand, the legal binding of the tenants to pay regular rent on the different settled holdings under the clauses of the Tenancy Act, equally assisted the zamindar. B.B. Chaudhuri has explained the relation between agricultural change and the increases in the gross rental of the zamindars of Bakarganj, Dinajpur and Bhagalpur. In these areas the waste lands which came under cultivation first attracted the cultivators at low rates of rent. Waste land was abundant and the population was growing. In the second half of the nineteenth century these rents were greatly increased, except when the zamindars were attracting the cultivators at the instance of the government. In some areas, the spread of cash crops, including winter rice, also attracted population; in this case too the rental demand later became increasingly high. Such tendencies were found in the North Bihar districts and other districts of Patna Division also. The rental demand was increased by altering the rent rolls, by giving incentive to double cropping and commercial crops including rice. In this process some population was diverted from densely settled tracts to those with fewer people; this also resulted in more production and greater rental income for the zamindars overall.

It might be thought that the record of rights provided to the raiyats under the Bengal Tenancy Act, 1885, and the fixing of rent according to terms and conditions or the quality of the soil, indicate that the raiyats' rental liabilities were reasonable. But the significance of the Bengal Tenancy Act lay rather in the fact that the zamindars' power was significantly increased for the enhancement of rent. As in the resumption of 'invalid' lands, the district-to-district survey from the 1890s proved the raiyats' new legal rights; but also ensured the additional burden of a rental increase. The Settlement Officers' main decision was the 'fair' rent in disputed cases; the amount remained in practice at the discretion of the zamindar in the large proprietary estates. In the petty proprietary estates which abounded in Muzaffarpur and Saran the *maliks*' already had the power to decide boundary disputes and the enhancement of rent.

The record of right was an important document which enabled the zamindar to keep an eye on the income of the tenants' holdings and then accordingly to justify the rental demand.

On the other hand, the provisions of the Rent law did put various restraints on repressive methods in terms of the future imposition of *abwabs*. The existing *abwabs* were mostly amalgamated with the rental demand and declared genuine in the settlement. But illegal cesses were still not ruled out. It was difficult for the law courts to decide whether *abwabs* were a part of the rental demand. For example, quantities of *ghee*, (clarified butter), mangoes, and *gur* (sugar cane juice), were paid to the zamindars; they were the produce of the land but they were not regarded as rent. Such customary additional payment continued in the late nineteenth century and in the beginning of this century.

In the aftermath of the tenancy legislation, rent questions became more complicated. But this was not necessarily to the advantage of the raiyats. Their grievances were increasing but *mahajans* and money-lenders were also becoming more active in landholding. The sense of reaction over raiyati rights was gaining ground only amongst the prosperous class of tenants in Bihar. Other issues such as market control, agricultural prices and the political importance of agrarian relations became more and more significant in deciding the outcome of the land question in Bihar in later periods.

Three main issues are raised by the Tenancy Act of 1885, and the Survey and Settlement operations in the North Bihar districts: whether the rent had increased, <sup>if so,</sup> by what means it was enhanced, and whether the rental demand impoverished the raiyats. It would also be worth considering the government's outlook and that of the agrarian society towards the producing class and towards those enjoying power through the effective control of the village economy.

According to the Settlement Reports of the North Bihar districts, the average rate of rent of the cultivators and the increase in rent in the late nineteenth century related to the pressure of population. The increased rents were not matched by the expansion of cultivation and related development;

rather they were due to increased rent rates which varied from district to district. The Settlement Officers investigated the size and nature of increase in rent since the Permanent Settlement; not for the entire districts, but on the basis of the *Jamabandis* of selected villages. The results of this sample survey were extrapolated to the area as a whole. One way to gauge the increase in the rent rate is by examining the relative size of holdings of different castes, and different categories of cultivators, and the proportion who did not hold land though they were engaged in agriculture. This aspect has been examined in the previous chapter in regard to one district, Saran. Regardless of this variation, however, the highest rates of rent were paid by those with holdings of less than five acres. Comparing districts, however, the raiyats of Saran paid the highest rent, (Rs4/5 or more) because of their producing more valuable crops,<sup>19</sup> and also because Saran had the highest land prices in the late nineteenth century. The rental rates in the superior zamindari villages were high - Rs 4/14 in the Hathwa raj even in 1870 - but the small zamindars had also increased rents unlawfully and often. As rents increased, they invariably pressed hardest on the weakest of the raiyats. This category of raiyats was squeezed out, and gradually lost their holdings because of arrears of rent. They were sold or fell into the hands of village *maliks* or *mahajans*.

Though rents were higher in Saran it was in the districts of Darbhanga and Muzaffarpur that the increases in the rates were proportionately highest. This was the result of arbitrary enhancement of rent at various levels at the instance of the superior zamindars. The average rate of rent in Darbhanga was Rs 3/12. Moreover: "The rent rates of each sub-division, varying from each other, were deduced from the rents recorded as payable and not from the rents claimed, and in some cases collected by the landlords, which were very much higher." <sup>20</sup> Rent demands extended down through intermediaries as well. Thus there were rent-free holders in almost every district, but the *birtbars* in Darbhanga held a larger proportion of holdings, and were still adamant that they were

not obliged to be paying rent. On the other hand they leased out their holdings and extracted illegal rents from the poor cultivators.

In the district of Muzaffarpur, upper caste proprietors were dominant in enjoying the higher rates of rental demands. They also held a larger acreage under their direct cultivation. The average rent rate recorded in 1885 in Muzaffarpur was Rs 3/10. Stevenson-Moore observed that rent rates had increased by 100 per cent in the past three quarters of the nineteenth century, especially in the resumed villages during the period 1821-1833 and in 1892-98 when the Settlement procedures were carried out. In the ninety three resumed villages, the study of the Settlement Officer showed fifteen villages with an increase of between 50 and 70 per cent; in the rest of the villages it was at least one hundred per cent. In forty six villages, the increase exceeded 150 per cent. The Settlement Report of the district of Darbhanga also reveals that during the same period, in resumed villages, the rent rate had increased by at least 170 per cent, and not less than 100 percent. In Saran in the sixty-four resumed villages, the increase in rent rate was 97 per cent during almost the same period.

Apart from resumption, the letting of *zirat* land and the creation of small holdings to lease out to indigo factories also increased rental income. Moreover, in the districts of Muzaffarpur, the partition of estates and the sub-division of proprietary right among various *pattidars* became more common in the later period of the 19th century: in this case too the right of occupancy of the weaker raiyats fell into danger. Mostly they either surrendered their holdings or were forced to leave them. Such holdings were either absorbed or re-let at higher rents.

The rent increase in Champaran was smaller than in the rest of the districts of the region. Stevenson-Moore had made a comparative survey and estimated that the first half of the nineteenth century saw an enormous increase in the area under cultivation, followed by a slower increase in the later periods. The increase in rents in the resumed areas, during the period 1839 - 40 to 1898 was about 58 per cent.

Generally, once again, the increase in cultivated areas from the Permanent Settlement to the late nineteenth century amounted, in respect of raiyats' land, to 155 per cent, while the rental income increased by 168 per cent including *abwabs*.

The Settlement operations in the late nineteenth century uncovered various complications in the way of increasing the rate of rent. It was quite obvious that rent did not increase automatically. But one could hardly ignore the customary rights and privileges of the zamindar which grew markedly from the Permanent Settlement. The increase in rents before 1859 was concealed in the rent rolls of the zamindars because of their mis-management by the village officials. Even the supposed *pargana* rate was no guarantee of stability. A zamindar could use it to increase rents if land of a similar quality in the neighbourhood were assessed at a higher rate, though increases on these grounds were not very common. Neither were the other official grounds for enhancement much used: on the basis of value of the produce or the classification of the soil. But rent rises were not dependent on such devices, nor discouraged by official intervention.

It was taken for granted that even the investigators at the settlement failed to get correct information about the depressed condition of the raiyats. It remained at the discretion of the zamindars, how to deal with the rent payers. Physical coercion, manipulation by village officials and various other repressive methods were the main instruments of enhancement, alongside court cases or the threat of them. The zamindars of North Bihar enjoyed more freedom than their counterparts in Bengal.

It is also said that densely populated areas paid more rent because of their <sup>greater</sup> agricultural output. But this notion is untrue. The density of population is an indication of the scarcity of subsistence holdings and the burden on the soil. It was chiefly to the disadvantage of the poor, and this <sup>could</sup> have been reduced if more cultivated land had <sup>been</sup> distributed among those who need it to support themselves. In Bihar it was the greatest disadvantage of the small raiyats and tenants-at-will. They depended greatly on labour or cultivating the land



of rich farmers. They were rather dependent on the superior tenants and paid more than 50 per cent of the produce as rent.

It is a fact that the resumption of rent free land and 'invalid' (*lakkiraj*) land holdings increased the cultivated areas,<sup>21</sup> but accordingly it also increased the rental demand, with arrears. This burden came on the raiyats. During the Settlement operation period, when a large number of new estates were found to have come into being, they appeared as a result of the incentives given by the government as the proprietors became rent receivers and revenue payers. The number of rent receivers increased and accordingly the fixation of rent rate in the newly created estates was also seen to be higher. Most of tenure-holders acted as small proprietors and also lent money. The capability of *khud-kasht* raiyats to pay the increased rent was more than *pai-kasht* raiyats. Since the payment of rent was regular, no concession was given during scarcity and famine. The raiyats were bound to pay arrears with enhanced rate of rent if any. The rising prices affecting the life of raiyats did not provide restraint on the power of zamindar to increase the rent. A certain category of the raiyats, such as fixed rate and *khud-kasht* raiyats paid higher rent than others. Mostly, fixed rate raiyats were believed to have produced valuable crops and supposed to be prosperous; therefore, they paid high rates of rent. In the late nineteenth century their rents increased. They were prosperous tenants since the time of the Permanent Settlement and exercised zamindars' rights. The rental demand from the occupancy raiyat was always high due to the legal right of occupancy vested in them. The English principle of landlord and tenanat did not prove to be beneficial to the tenants of Bihar. The non-occupancy raiyats and tenants-at-will were dependent on the wishes of the maliks, and one could hardly make a clear assessment about their prosperous condition. They were always in debt and mostly worked as daily wage labourers on other's fields, apart from cultivating their own land or working on *batai* (*malik*) land.

The tenancy law clearly defined the category of landlord and tenants but did not look into the local norms of the society nor fix a reasonable principle for rent rates. There was hardly any correlation between law and society, or rents and productivity; and above all there was no control over the growing power of zamindar or impoverishment of the raiyats.

**How was Rent Enhanced: methods, classes of tenants subjected to such enhancement:**

Before the enactment of the Bengal Tenancy Act, 1885, Eden, the Lieutenant - Governor, while commenting on the reform in the Rent Bill, pointed out that in Bihar it was necessary to enable the raiyats to resist illegal distraint, illegal enhancement, illegal cesses and to prove and maintain occupancy rights. Apart from this he also remarked on the loose accounts of zamindars, their method of realisation of rent, and their arbitrary transfer of raiyati holdings. The enhancement of rent was common in all the districts of North Bihar inspite of the legal restrictions in certain cases. Also prevalent was the ejectment of raiyats for failure to pay arrears, and the forging of documents to claim enhanced rates. In the areas with big zamindaris, the valuation of rents was made at the time of the Permanent Settlement, mostly on the basis of *Jamabandis* (rent rolls) in villages and by estimation. Until the 1870s, it was usually the practice that any increase of rent on account of excess area which exceeded 100 per cent was made gradual and progressive, spread over a term of years. Generally it was found in practice that the discovery of excess land held by the raiyats resulted in heavy increases in rent. Although some objections were raised in 1895, the judges also defended such enhancements. It was argued that the raiyats held excess lands in collusion with the landlords' servants and therefore were always bound to pay the additional rent assessed on the holding.

One theoretical justification for the true enhancement of rates was related to the principle that rents either in cash or kind were based on the "prevailing rate", with different rents for different soils. But nowhere were such principles followed, either on the great estates or by small proprietors. Where the raiyats contested an enhancement of rent made on the

ground that it was below the prevailing rate of the village, and the landlord (as was almost invariably the case), failed to show that there were any village rates, the enhancement was disallowed.<sup>26</sup> In Saran, especially in the Hathwa Raj areas during the settlement operations, it was detected that the rents settled for 15 years were not likely to be reduced at the end of that period, and the operations rather resulted in most substantial pecuniary benefit to the estate. Moreover, Stevenson-Moore remarked in his annual report for the year 1897-98: "It must be admitted that the Hathwa Raj has had its pound of flesh".<sup>27</sup> The peculiarity of the assessment in the Hathwa Raj area was that mostly rents had been assessed on the *Jamabandi* areas instead of on the survey areas. Such was not the case with the Darbhanga and Bettiah estates, where rent rates were enhanced at an even higher rate before the settlement operations, which did not give a clear idea to the settlement officers for the assessment of rent on the basis of the quality of the soil.

Different procedures were adopted at law in 1895<sup>5</sup> with regard to compromises on cases of enhancement, where it was shown that the raiyat's existing rate was considerably below the average for the village, and there was no special reason for this, such as poverty of the soil. In such cases the landlord's claim for enhanced rent was allowed; and the raiyats had to accept the new rate. But most claims to enhancement under the "prevailing rate" clause were disallowed where no soil rates were proved. On the other hand, very few such cases were brought to the notice of the court. The personal compulsion, social hierarchy and general dominance of the zamindars mostly meant that the raiyats accepted their claims.

Major enhancements of rents were found, in the Hathwa Raj territories, to be over 12 per cent, an increase of 1.5 per cent per annum in the late nineteenth century. From the records of the Raj, it was found that increase amounted to Rs. 68,000 on its estates, whereas the total increase in the rest of Saran district was under Rs. 6000. In Saran the rate of enhancement, after compromises, was higher than in Muzaffarpur and Darbhanga. A fixed rate of rent was generally prevalent

in those areas where transfer of raiyati holding was not very frequent.

Another legal ground for the enhancement of rent adopted by the landlords was on the rise in agricultural prices and the market rate of staple food grain. Besides, the production of cash crops was taken into account for the enhancement of rent. The zamindari estates produced the price list of the food crops prepared by their raj officials under the Bengal Tenancy Act, 1885, clause 39. These were supposed to cover ten years, but did not. The judges allowed increments at one anna per rupee on account of the rise in prices or even more. But again fraud by *patwaris* and *ganungos*, as well as the torture of raiyats frequently observed by revenue officials, were more common means of enhancement.

An interesting discussion occurred among the officials on the question of the enhancement of rent when a raiyat did not produce sufficient food crops to sell for the payment of increased rent. The raiyat who was paying rent out of the produce of non food crops such as opium, indigo, tobacco and others did not benefit from the rise in the price of food grains which was the criterion for the enhancement of rent. On the other hand he did benefit from cash crops, and therefore, should pay the enhanced rent. However, in the view of Macpherson, the Director of Land Records, the surplus produce remaining after the cost of production was too small to allow any room for rent increases in Saran where rent rate was already high. In such cases, he argued, no rent could be enhanced. This formula was adopted in principle in other parts of North Bihar, but as Saran had the highest rents and was thought a special case, it was not often followed in practice in other districts. Landlords who wished to increase the rent through law in the guise of doing justice to the raiyats, were usually able to do so on the evidence they produced before the court.

Another important reason for enhancement of rent in the North Bihar districts was the partition of estates. After

partition each proprietor found<sup>a</sup> new structure of holdings, and therefore prepared new rent rolls. He fixed rents supposedly on the basis of <sup>the</sup> old rates, but in many cases partitions were asked for with the deliberate intention of raising rent rates. This was a continuation of the earlier practices when a similar use was made of the sales procedure. In the earlier 19th century the sale of an estate for arrears of revenue was invariably followed by enhancements of rent, which the raiyats hardly resisted. In later periods in some villages, occupancy raiyats were ejected under this procedure, particularly those belonging to lower castes, and their holdings were occupied by the proprietors. In some cases, it was found that another raiyat was waiting to get the holding from the proprietor.

The proprietors in Muzaffarpur were found to have been partitioning revenue villages among various *pattis* or shares of the estate for enhancement of rent. Under the Partition Act, they had power to fix rents. After 1885, in most villages surveyed by the district collector, it was found that the rent had been increased by 17.62 per cent. There was no uniformity in the method of assessment or the amount of the enhancement. Partitioned villages suffered most and the *maliks* stood by the demand to enhance the rent rates in such areas. The "village notes" attested by the officers give clear evidence of this, and enable a comparison of partitioned and non-partitioned villages in all the districts. The Settlement officer provided evidence from the Attestation Officers' record, for villages in Muzaffarpur, for example as follows:<sup>26</sup>

(1) Village Baktauli, No. 347, *thana* Sitamarhi - "The general rate seems to be about Rupees 5 a *bigha*, but there are many rates. The *maliks* force the raiyats pay<sup>to</sup> as much as they can, and at the *batwara* of 1286 Fasli (1879), there was a general enhancement." In this village the rate of increase was from Re 1-0-3 in 1840 to Re. 4-6-6 in the 1890s, or over 300 per cent.

(2) Sonepurwa, *thana* Belsand - Rents were enhanced at irregular intervals. No uniform standard was adopted. In

this village, the rate increased from Rs. 2-1 anna and 6 paise in 1833 to Rs 4 and annas 2 and paise 1 by 100 per cent.

(3) Bela Gopi Nath, No. 151, *thana* Katra - "A batwara was effected in the village about 25 years ago, and it led to an increase in the rent". The increase in the rent rate was from Re. 1-11-4 in 1824 to Rs 3-11-2 or by 118 per cent.

(4) Banda, 899, *thana* Muzaffarpur - "Batwara made about 20 years ago. The rate of increase was about 6 annas in the rupee." In this village the rate had gone from Re. 1-6-1 in 1824 to Rs. 4-2-4, or a 200 per cent increase.

(5) Jalalpur No. 348, *thana* Mahua- "There is enhancement in it since the village is in *thika* (lease) to the factory". The increase had been from Rs 2-2-11 to Rs 4-15-1 per acre or 132 per cent since 1819.

(6) Ahurana Khargi No. 58, *thana* Muzaffarpur - "The entire village was leased out to the Kanti indigo concern in 1278 F.S. (1870) and is still in the *thika* lease of the factory." No enhancement of rent had taken place in this area over the preceding 50 years. The reason was perhaps because for a European concern, indigo was more profitable than a marginal increase in rent: the factory's *thikadari* status was more important than any rent.

The proprietors of Muzaffarpur were generally able to set rent rates at their pleasure. Supposedly *perti* (fallow) lands paid the lowest rent as they were supposed to be grazing lands; and *gharari* (homestead) lands which were useful for tobacco and other cash crops paid the highest rents. But the rates often bore little or no relation to the quality of the soil. According to one circle inspector, the rent rates varied from village to village and they ranged from 4 annas to 20 rupees per *bigha*. In fact, the average rent rate was from 3 to 4 rupees per *bigha*.

Above all the records underestimated the increases of rent. Enhancement occurred by transferring land to fictitious names through fictitious <sup>ti</sup>*Jamabandis*, and also leasing out the land, where the proprietors were unable to collect rents or arrears, to litigious tenure holders, to *mahajans*, and *thikadars*, who collected high rates of rent from the

rai-yats. These exactions and those of some zamindars, were often concealed from outsiders. The Madhubani Babus and Rai Ganga Prasad, a prominent banker of Darbhanga became famous for their illegal enhancements of rents and collection of *abwabs*. The zamindars of Darbhanga patronised the *birt-dars* and *goraits*, rent-free land-holders, who helped the rai-yats even on the great estates. Thus illegal enhancement of rent was found to have increased since 1884 in the parts under Darbhanga raj control, when they had been transferred away from the Court of Wards. Finucane found evidence of frequent changes of rent rolls by the officials of the raj, and of the fixing of rents, during his cadastral survey in 1876-78. Even in later period such practices continued, and officials were amazed to find that the Maharaja of Darbhanga collected enhanced rents during the grave famines and scarcities of the 1890s.

The pretence of the zamindars was that enhancement of rent was necessary for the improvement of agriculture. But in reality it was the outcome of zamindari power at a time of rising prices. The zamindars thought that the rai-yats were quite capable of paying high rents, and took the opportunity to increase their own profits. They were not guided only by greed; it was also a matter of social prestige for a zamindar to charge higher rents. They were intended not only to pay for display and consumption appropriate to zamindari status, but also to keep the rai-yats subservient.

During the nineteenth century in addition to enhancement, there were changes in the manner of rent payment. Until the beginning of the century, payment in kind was prevalent throughout the districts of Bihar. Buchanan-Hamilton, in the early nineteenth century, described the system in the districts of Patna, Shahabad and Gaya. The villages under *bhaoli* rentals looked to him to be less developed. In the North Bihar districts both produce rent and money rent operated depending on the productivity of the

soil. Mostly zamindars profited from the produce rent as they shared the major portion of the produce, either in the field (by appraisement) or on the threshing floor. The value of a produce rental was naturally high when agricultural prices rose. But still it created poverty, leaving the farmers at the mercy of famine. Moreover, scarcity tended to extend the *bhacoli* system: at such times the rich cultivators who could afford to pay money rents might have to surrender his land to the zamindar who would impose a produce rent; others might have to enter into *batai* agreements with cultivators or intermediaries who could afford to pay the zamindar. Thus produce rents occurred quite generally in Bihar, though more commonly in the southern districts.

The legal provisions of the later nineteenth century, however, worked in the opposite direction. The government investigated the feasibility of setting definite criteria for the commutation of rent from produce to cash. The Rent Law Commission, 1880, had tried to draw up rent rates on the basis of the classes of soil but Finucane found that the rents had no clear connection with productive power. Instead rent reflected social (caste) status, mutual agreements between landholders and tenants, market rates, the relative strength of the raiyats, the capability to pay, and the attitude of zamindars.<sup>29</sup> These factors applied equally to money<sup>and</sup> produce rents. The Bengal Tenancy Act of 1885, however, brought major changes by facilitating commutation, especially in those areas where the *danabandi* (appraisement) system prevailed. Earlier raiyats had paid produce rent either in kind or in money to the value of the produce calculated at a certain rate. Such rents were prevalent in rice-growing areas, in North Bihar, as well as in the South. During the nineteenth century, however, money rent came to be preferred by the zamindars almost everywhere. The policy of the government was also towards this end. In certain areas, where grain dealers, such as village merchants and *mahajans* played a dual role of zamindar and trader, produce rent remaind<sup>e</sup><sub>n</sub> the practice; but



such instances were now comparatively rare in the North Bihar districts.

The payment of produce rents in money or of cash rents was not favourable to raiyats who had no knowledge of agricultural prices. They were subjected to coercion to grow particular crops, and in particular were bound to sell <sup>rice</sup> (in which there was lively trade) and to eat inferior grains. The demand and supply of rice in the agricultural market were very crucial. The merchant and traders as well as intermediaries took much interest in grain dealing in the rural markets as the money rent was equated with valuable crops. While the value of agricultural produce and land prices <sup>had</sup> soared up since the middle of the nineteenth century, cash demand of rent as a result of the commercial policy of the government <sup>also</sup> accelerated. Likewise the extension of cash crops also increased. Whether the increasing demand of revenue in cash affected the agricultural price or land price in the later half of the nineteenth century, the money rent was a result of the economic structure of the period. The land market was not so important before 1793 but it became a dominant factor in the increase of rent and agricultural price in the late nineteenth century. The idea emerged from the monetisation of agricultural products and rental income, valued in cash amount.

In the original draft of the Rent Law no substantial details were provided on the enhancement of rent or the payment of money rent. The rise in agricultural prices and the survey and settlement operations provided detailed idea of the agricultural products in terms of cash amounts. The capability of a raiyat for payment of money rent was well measured. Any constraints imposed upon him were more repressive than constraints on the zamindars. The law made major distinctions. A zamindar could not be evicted for enhancing the rent of raiyat. A raiyat could be charged under criminal proceedings for failure to pay an enhanced rent, if it was found <sup>to be</sup> genuine. But above all the zamindar could manipulate or choose to ignore the legal system. He could proceed by the falsification of patwari' papers or, if discovered, follow another method. Even in opposition to a

strong raiyat, a threat to go to court was often enough to enable the zamindar to enhance rents. The growing gulf between the zamindar and raiyat in later periods took the form of agrarian unrest.<sup>30</sup>

Most of the raiyats were poor in the districts of Bihar, and most of zamindars enhanced rent and oppressed the lower castes until most of them became in effect tenants-at-will. No particular solution to this problem was sorted out even after a century of legal battles. Rents were high, enhancement relatively easy, and additional cesses very common.

The determination of the rent of a raiyat was made by the zamindars on the basis of either the actual rent payable in cash or kind or of *abwabs* to be paid in kind and demanded in the most repressive and illegal manner. The payment of *abwabs* (illegal cesses) was as old as the social servitude of the lower classes. Sometimes they formed a part of the actual rent. In Tirhut (Darbhanga and Muzaffarpur), raiyats were found who were parting with more than half of their produce in the 1870s as a result of *abwabs* included in the rent. The evils of *abwabs* were found also in the complicated system of *mankhap* (a kind of produce rent) most prevalent in the rice-cropped areas in the early part of the nineteenth century. However, in the course of legal changes in regard to the payment of money rent, some changes also took place in the payment of *abwabs*.

First, where zamindars failed to enhance the legal rent of the raiyat, they often succeeded by the indirect method of imposing *abwabs*. The government was well aware of this manipulation, a weapon of the zamindars for centuries. The officials tried to investigate and prevent it up to a point, but it was not possible or desirable from their point of view to break the long social and economic dominance of the zamindars over the raiyats; financially it was productive for the government as well as the zamindars. Even in 1872 when it was realized that zamindars had confiscated and ignored very many rights of the raiyats supposedly guaranteed by the government, it was not thought prudent to intervene. By this time the British thought it too

dangerous to distort the social relationships between the upper and lower classes in the society. Therefore, they offered no concrete solution to the problem of *abwabs*, in spite of the legal provisions of the Bengal Tenancy Act of 1885. The *abwabs* were important reasons for rent disputes, the poverty of the raiyats, and the increase in the rental income of the zamindars which was not recorded in the rent rolls however.

The Settlement Officer of North Bihar, Stevenson-Moore, recorded thirteen types of *abwabs* payable by the raiyats in addition to their rents. Among these were: *Tahir* (writing fees); *Badarat* (miscellaneous charges at half to one anna); *Beshi* (excess enhancement, meaning the part of payment to be paid to the rent-collector); *Kharcha* (to meet the expenses of the collection of rent by the landlord); *Salami* (amount paid to the malik on the settlement of occupancy to cultivate lands); *Dak-Berhji* Batta or *Batta Company* (half or one anna paid to compensate for the short weight of the rupee introduced by the East India Company). Clearly such demands, resting on custom rather than law, and still forming a major part of the rental income of the zamindars, were also vital for estate and village officials such as weighmen, watchmen, *gomashtas* and *goraits*, who were concerned with the collection of rent and the division of grain. The *abwabs* differed from region to region, but generally amounted to one fourth or one third of the annual rent. In some cases it could be more. When *abwabs* were consolidated with the rental income, the amount was reduced but the net rental demand naturally went up. The *abwabs* formed an important portion of the produce, and to meet them the higher qualities of grain were sold. The payments undoubtedly reduced what was available for consumption by the cultivators.

The growing bitterness between landlords and tenants after the 1890s, made some of the zamindars define the collection of *abwabs* through *pattas*. Obligations of the raiyats were recorded in regard to such payments as *dak-kharcha* made by the zamindar for district postage, or the

income tax paid by the zamindars, for which additional payments by the raiyats were made obligatory.

Abwabs undoubtedly raised the intake from rents, but the next question to be examined is more complicated - the agricultural prices at different times in relation to increases in the rent rate. The Director of the Land Records and Agricultural was of the opinion that the rental demand was growing as a result of increases in staple food prices over the years. On the other hand one reason for the price rises was the increase in the acreage of commercial crops at the expense of the area under food crops. This exaggerated the impact of the rental demand on the subsistence of the raiyat. Practice and law nevertheless linked rent increases to the production of valuable crops.

One question therefore is how the enhancement of rent compared with the market rate for food crops, and also with the cultivated area in the tenants' holdings, taking single and double cropping into account. Another complication is the dominant peasants who were proprietors at one place and tenants at another. Yet another is the rental paid to intermediaries; the rent rates of the poor raiyats often could not be discussed by the Settlement Officers. The true rent payers were mostly those cultivating tenants who held up to one and half acres in the *bhit* lands and three to four acres in the rice cropped areas. The rich tenants paid rent to the zamindar but also extracted the maximum from sub-tenants, the small cultivators.

This rental income, at the expense of the cultivating class, increased under the changing agricultural conditions, helped by local custom and the rent laws. This is clear first in regard to the cultivated areas. Part of the increase, especially in Champaran, was due to the extension of cultivation and to more valuable crops, especially rice, indigo, poppy and sugar. By the last quarter of the nineteenth century on the other hand, the scope for the extension of cultivation was marginal, except in Champaran, and rental increases were thus at the expense of the poor raiyats, in a growing population. The gross rental of the zamindar increased even during the famines and crop

failures.<sup>31</sup> Finally, an increase in double cropping was undoubtedly attributable to rental demands; but this too caused hardship in the longer term by reducing the fertility of the soil.

Turning to prices, we find that the district officers of Saran and Muzaffarpur argued that they did not greatly affect the peasant economy, especially the small cultivators, because the largest part of the food grain was not marketed but consumed by the cultivators. Thus payments of rent depended upon the cash crops. To the extent that this was true, it was a problem for the rent payers: non-food crops were never taken into consideration in dealing with claims for enhancement of rent on the ground of a rise in the agricultural prices; the law apparently permitted a raiyat's rent to be enhanced on account of a rise in <sup>grain</sup> prices which benefited him not at all. On the other hand, the law was also always in favour of increasing the rent when the raiyat produced cash crops. But, even more important, as the average size of the raiyat's holdings was decreasing, there was a gradually reducing likelihood that they would have any surplus to sell in the market<sup>32</sup>. The pressure of population was important in this respect too. The reality was that the prices paid for indigo and opium remained low while food prices rose, and only a small proportion of the cultivated area was devoted to cash crops — hardly six per cent for opium, and a maximum of ten per cent for indigo. Hence, despite the district officers' views, food crops did increasingly have to be sold to meet the rent. This change occurred while, as Stevenson-Moore showed, the average size of holdings had so diminished that, at 2½ acres, it just sufficed to provide the necessary food for the support of the cultivators. It follows from this that the relation of food grain prices to rent which seemed equitable where there was a true surplus, was increasingly irrelevant to the pressure of the rent demand upon the raiyat. The enhancement in rent naturally caused the greatest hardship to the raiyats who had small holdings which may be called "subsistence" holdings<sup>33</sup> and indeed the general reduction in

the size of raiyats' holding was affected by the gradual increase in the rent rate, and the impoverishment of the raiyats. We must also note the impact of famine on the ability to pay. The North Bihar districts suffered repeatedly from famine, at least twice in 1890s. This clearly further reduced the surplus available to pay rent and to buy food grains. But it is difficult to work out the actual figures. Since the prices of food grains varied from district to district, the effective rent rates also differed. The prices differed also at different levels-for the producers, middlemen and retailers. The rent rates differed also according to the crops sold in order to meet the demand of zamindars. We can assume that all these variables were most disadvantageous to the weakest of the raiyats. Still, some indication of changes over time can be gained from rice prices, on the assumption that rice was the crop most commonly sold for rent. A comparison with rent rates will nonetheless underestimate the severity of the latter, in that rice prices to the cultivator may be assumed to have risen more than the prices for other non-food cash crops.

M. Finucane, when Deputy Collector of Gaya, suggested that the rental in the North Bihar districts had grown since the time of the Permanent Settlement, by 3.9 times in Muzaffarpur, 4.8 times in Darbhanga, 3 times in Saran and 3.4 times in Champaran. Accurate as these figures were, Finucane's investigations provide a tremendous amount of information about some specific estates where rent had been increased enormously. In one of the estates in Darbhanga, he found that the rent had gone up by 136 per cent to 1883.<sup>34</sup> Other figures suggest that rents went up about 40 per cent between 1890 and 1900, and between 137 and 192 per cent between 1840 and 1899. The rise in agricultural prices was 73 per cent during the same period.<sup>35</sup> Collins' investigation also shows a similar rise in rents in some villages in Muzaffarpur between 1840 and 1886-7, which occurred again by the time of Stevenson-Moore's survey between 1892 and 1899. The increase ranged between 115 and 192 per cent.<sup>36</sup>

While considering the rent rates and agricultural prices we have suggested that non-food prices rose very slowly in comparison with food prices. This was an argument which applied to the amounts paid to cultivators for opium and indigo. Prices for some other cash crops went up very considerably between the 1870s and 1890s. For example, sugarcane was sold at Rs. 2-12 annas per maund in the 1870s, but, in the form of unrefined sugar or *gur*, at Rs. 3-10 annas per maund in the 1890s. Tobacco which in the 1870s was under 11 annas per maund was Rs. 5 per maund in the 1890s. The price of cleaned cotton, Rs. 7 a maund in 1870s, was Rs 16 a maund in the 1890s. The increase in the area of such cash crops, and also jute in Bengal, permitted an increase in the rents in many areas. But the effect was different in Bihar, with the possible exception of areas where the acreage of cultivation under sugar increased. The mere extension of acreage under cash crops does not indicate general prosperity in the absence of other comparisons.

The rise in agricultural prices provided zamindars with a legal opportunity to enhance rents, and a means of coercing rights even without legal processes. At the same time, where money rents could not be so readily raised, the higher prices allowed the zamindar to benefit by reverting to produce rents. The prices reduced the purchasing power of the raiyats, and often forced them to rely for subsistence on poorer, less nutritious grains. They ate these - *kodo*, *sawan*, *marua*, *jowar*, *khesari*, and several other grains in order to save the ever more valuable crop of rice to pay their rents.

During famines even more marginal foods were consumed. There were in addition milk-products and fruits such as mangoes and *lichis* which usually were not intended for sale but for subsistence. On the other hand the households could not avoid purchases such as salt, clothing and fuel. They also had obligations for religious functions and marriages, and the expense of illness. Thus they often had no alternative but to approach the *mahajan* for loans, or mortgage their land. Therefore the problems which started with a high rent rate were endless.

What was the size of population adversely affected by the rental demand? According to the Settlement Officers of North Bihar, the illegal enhancement of rent affected 92 per cent of the holdings of the lower castes, to judge from a small survey made in the late nineteenth century. Adding legal enhancement to the considerations, we find that 12 per cent of the holdings of the higher castes were affected, and 88 per cent of those of the lower castes.<sup>37</sup> Thus the law allowed the enhancement of rent of the lower caste raiyats in particular, and reinforced the dominance of the upper castes. But it would also appear that the land-owners were not able to enhance the rent of higher castes to appreciable degrees. Especially in certain places in Muzaffarpur and Darbhanga, the landlords were unable to enhance rents on the holdings of upper castes due to powerful resistance and the tendency of the rich raiyats for litigation. But the majority were subsistence raiyats. If the rent rates of the high caste raiyats, already lower, were raised to a degree less than the average, then the pressure on the economically weak was even greater than it seemed in the statistics.

This discussion has revealed the implications involved in the increase of average rents during a hundred years of British rule. The officials thought the zamindars coercive and despotic. The zamindars used legal and customary rights to enhance rents or if necessary they demanded illegal *abwabs*. They pretended that the Tenancy Laws would reduce their authority, but they did not in fact detract from their ability to increase rents. B.B. Chaudhuri says that persistent economic needs were a powerful motive for the zamindars to increase rent.<sup>38</sup> This was hardly so in North Bihar, where the zamindars were more free and more oppressive than elsewhere. The hereditary and customary rights of zamindars were reinforced by legal powers. They were able to deny the occupancy right of raiyats. They did not issue rent receipts. They made forged rent rolls. Dispossession of the raiyats was general. The private land of zamindars became more important. Tenants became necessary not just as rent-payers but as agricultural labourers due to the growing demand for labour for the



production of cash crops. But the fact that rent was paid from the grain sold in the market increased the bargaining power of the rich peasants and zamindars, and brought greater hardship to the poor. Labour became cheaper in real terms. The commercialisation of agriculture also improved the relative position of the rich. Even the preparation of the record of rights merely defined the rights of zamindars, and while it provided for an increasing rental demand under the law, it had little effect in curbing the rich peasant's and tenure-holder's informal hold over the mass of the cultivators. Because it ignored the real status of the small raiyats and under-tenants it did nothing to prevent the economic pressures which were creating a population of tenants-at-will in practice as well as in law.<sup>39</sup> The provisions of the Act of 1885 meant to protect the rights of raiyats but benefited only the rich peasants. One could agree with Stevenson-Moore that the tenantry of Bihar was a downtrodden body of men in complete subservience to their powerful zamindars.<sup>40</sup>

## CHAPTER V

### AGRICULTURAL LABOUR

The study of this subject, the condition of agricultural labour and the lower classes of population under the colonial period, has attracted the attention of historians in recent periods, basically, comparing the impoverished condition of the mass of population in contemporary period searching for livelihood and relief. In this context certain connotations, such as de-peasantisation, deindustrialization, poverty and unemployment and immigration and migration of labour from one area to another as a result of population pressure are given to be the ideas of main concern in the Indo-Gangetic area of North Bihar in the late nineteenth century. The causes and dominating factors could be investigated on the basis of existing economic and political issues as well as the demand and supply paradigm of British agrarian policy and industrial and commercial networks at home and abroad.

It is sometimes suggested that until recently agricultural labour did not form an important part of production in the agrarian society of Bihar. But the study of agricultural labour is linked with that of bondage and slavery, features with a long history in Indian society.

The social and economic problems arising in the *varna* mechanism of the society cannot be ignored. The social hierarchy, forces of production relation in agriculture and in the political economy need illustration in the historical setting of class differentiation. The landless labourers coming from <sup>the</sup> agricultural community formed the lower classes of the population. Their livelihood depended on bonding or wages, agricultural labour, domestic service and also cultivating a bit of land which they possessed either through inheritance or from their *maliks* in payment for services rendered to them. The main idea is to trace the rise and growth of such a class of population in the Gangetic area of North Bihar in the nineteenth century. The

causes and dominating factors in this regard have to be investigated on the basis of literary and other evidence.

This chapter will discuss these continuities in the situation of labour, and then the changes which were occurring by the later half of the nineteenth century. It is sometimes suggested that the number of landless labourers increased as a result of the population increase. It is difficult to know whether it was so. Detailed information is not available before the late nineteenth century. Estimates were made by Buchanan-Hamilton early in <sup>the</sup> nineteenth century on the basis of his observations of Patna, Shahabad, Purnea, Bhagalpur and other areas of Bihar and Bengal. But the East India Company's administration did not, at this stage, maintain a concrete record of the classes of the population who played no direct part in revenue or trade and who caused the Company's government no immediate problem.

An objective view of the various classes of population according to occupational distribution, access to land and so on—sufficient to provide a good idea of their condition and status—did not appear before the various types of enquiries and departmental investigations, which followed the Statistical Accounts compiled under W. W. Hunter in the 1870s. From this period on fairly reliable information was collected by the district officers, district medical officers and jail superintendents. The Famine Commission Reports after 1867 also provided evidence on agricultural and social conditions. Some idea of the numbers having no land and suffering due to paucity of resources can be gleaned from these sources and from the Census Reports after 1871.

The increasing British attention was a by-product of other policies followed in the later half of the nineteenth century to meet agrarian problems. Then the Bengal Tenancy Act of 1885 attempted a classification of the population, though the changes it brought hardly concerned the interests of the landless. Most important, the British considered that the demand for more and improved agricultural production would be contradicted if a section of society was always indebted to the more prosperous. Hence the

government was converted to the idea of investigating rural poverty, indebtedness and pauperization. Increasingly, the initiative was taken to appoint committees to seek information relevant to trends in development and to the condition of the lower classes. In addition to the Famine Commission's Reports, there were special studies, notably Dufferin's Report in 1888 and the Memorandum on the Material Condition of the lower orders in Bengal between 1881 and 1892. Besides that, the Report of the Bengal Labour Enquiry Commission (1896), and the Report on Labour in Bengal (1906), supplied valuable information about agricultural labourers and their migration to various sectors in the late nineteenth and early twentieth century.

These studies reveal that the condition of labourers varied from region to region according to the land tenure system, the commercialization of agriculture, social and economic mobility, urban and industrial production relations, internal and external trade, and transport and communications. The level and growth of population were particularly important, as was migration. It is possible too that labour was affected, as a new class of landlord, and the development of usury both in village and town, became more important in the later half of the nineteenth century due to the growth of the colonial economy and the world market. In analysing these points this chapter will not only consider the fortunes of labour: it will sum up the impact of legal and economic change on society - and especially the poor - in North Bihar.

### The Early History of Labour and its continuity

The status of landless labourers and the lower classes of population under British rule in nineteenth century Bihar has an historical dimension. In ancient agrarian society, rich landlords or landowners controlled hundreds of acres of land extending to several villages. They formed an upper class which was largely high caste - Brahmin, Kshatriya and others. References are found in the ancient Indian texts to

villages conquered in war which were often put under cultivation by employed labourers. The supervision of such fields and assets was done by the owners themselves. According to Patanjali, the landowners or rich peasants supervised the work of five ploughs. Such landowners were called *gaamikas* (those who commanded villages politically and economically), and the labourers working for them were called *bhatakas*, *karmakaras* (servants) and *dasas* (slaves). Already therefore there was a system of domestic or personal servitude. Thus the transformation of *sudras* (lower castes) from the position of slaves and hired labourers into that of agriculturists was a great landmark in the rise of feudalism in agrarian society<sup>1</sup>.

In the early period, nonetheless, agricultural production was chiefly in the hand of the free peasants called *vaisyas* (a trading and cultivating community). It may seem that the dominant unit of production, therefore, was the small peasant family which controlled the necessary resources. But this method of control and enjoyment of surplus was also at the expense of artisans, hired labourers and agricultural domestic slaves belonging to the *dasa* community<sup>2</sup>. This marked a historical trend and a setting for exploitation.

The social relationship between *vaisyas* and labour or artisans was based on the exchange of work for a share of grain. Moreover, the artisan class approximated in status to the agricultural labourers, who depended upon the menial jobs that were their caste occupation. They did not have economic power. Though the customary exchange of food for work always operated in the villages, the rich peasants, village headmen and zamindars were in control. They saw to it that artisans and the lower classes cultivated waste land even outside the village. The settlement of revenue was made by these people, and generally they collected the revenue and looked after agricultural production. Full authority belonged to the non-cultivating landowner of the upper castes. Thus economic and social power worked

together and the dominant authority in the village extracted the maximum surplus from the producers.

Taxation helped create and maintain this system, from the early periods of Indian society, under the dynamic rule of Hindu chiefs. They extracted *sadabhaga*, (one sixth of the produce) from the cultivators. In Bihar, as elsewhere revenue collection supported the ruling class who enjoyed this privilege on the basis of hereditary ownership of land. Under the Mughal rulers too there was a general extraction of taxes, tithes, and payment of various types of cesses and tributes to the dominant class of chiefs, rich peasants and *maliks*. These people still controlled agricultural production. Landless labourers existed below the *khud-kasht* and *pai-Kasht raiyats* and formed the lowest category of society. They had no beneficial interest in land and crops. Their daily wages were paid in kind. In Bihar, the majority of the lower castes fell into this category (though the names of such castes varied from region to region)<sup>3</sup>. It is certain that during the Mughal period between one fifth and one sixth of the population in rural areas were landless labourers belonging to these lower castes<sup>4</sup>. The labourers were easily available to work for peasants who owned ploughs. They could not themselves hold sufficient cultivable land to endeavour to set themselves up as cultivating peasants. Therefore, over time the oppressor and the oppressed maintained the equilibrium of social and economic inequality.

Moreover, though the extraction of revenue was important, this imbalance could be maintained even without the interference of the state. The peasants and artisans, though they formed the major group of functionaries in the agrarian society, would not deviate from the work assigned to them, lest chaos befall the world<sup>5</sup>. In the moral order in which they believed and to which they were subjected, they were bound to serve the Brahmins, Kashtriyas and other upper castes. The Mughal aristocracy would hardly break this custom and tradition. Indeed *begar* (forced labour) and hired labourers were found not only on the *khas* land

of *zamindars* and *jagirdars* but also on the *khalisa* land owned by the Emperor directly. Therefore, slavery was prevalent in Muslim society too.

Hence there was nothing peculiar about nineteenth century Bihar in regard to bonded labour. Studies show its long history and social basis in India. References occur in the work of Jolly, in the account of the Abbé Dubois and in Letourneau's study on bondage and slavery in ancient and modern India. Anthropological and indological finding have brought to light the stigma of labour in social practice and the adaptation of Hindu Law to meet its existence and status. R. Fick and Mrs. Rhys Davids in particular have emphasised the fact that the economic compulsion of labour by the dominant peasant and land owners was important for the purposes of agricultural production<sup>6</sup>. Fick, writing of North East India, and the bondage of domestic servants, day agricultural labourers and slaves, claims that except in stray cases, their lot was miserable and they were often exposed to thrashing, imprisonment and bad food<sup>7</sup>.

The continuity of this system until the beginning of the nineteenth century, is attested to by the prevalence of references to bondage and slavery in literary texts, and in investigations into the condition of the lower classes. Buchanan-Hamilton refers to the existence of bondage and slavery and the employment of agricultural labourers and domestic servants by the zamindars and rich peasants in Eastern India. His accounts describe the way of life of the landless without much comment on their condition, and reveal not only that slavery was well established, but that it was regarded as legitimate. The economy relied on the compulsion of the weaker section of society by the strong.

The British did not at first forbid slavery in Bengal, but in 1794 the Governor General in Council prohibited the sale and transportation of slaves; the importation of slaves was also stopped in 1811. Slavery as such was abolished in the British Empire by an Act of Parliament in 1833. But in India it continued even after this period. Evidence of the sale and purchase of slaves is found in Bengali newspaper called '*Jnananvesan*' of the early nineteenth century: 11<sup>th</sup>

January 1840, a Zamindar bought a slave at the Bhagalpur slave bazar for forty rupees<sup>e</sup>. In India Slavery was outlawed finally in 1843, after the efforts of Colebrooke and others, who concentrated on its prevalence in native states. The purchase and sale of slaves, including children, in the streets of Calcutta and among the Brahmins in Darbhanga (Mithila area) and other parts of North Bihar, were also deplored by British officials and observers, such as Sir William Jones. Yet the law did not put an end to the practice. At best it diverted overt slavery into other forms of bondage, *begari* and the like. Poverty and misery for the bulk of the population continued. Since the practice of using the services of slaves and bonded labour was dependent upon local influence, there was generally a lack of any unbonded labour force. People almost sold themselves when faced with the dire necessity for help, for example when they needed to pay for a daughter's marriage, or during grave circumstances. This slavery cannot be compared with slavery in western countries. The slaves were sold along with estates, but also regarded almost as members of their owners' household, entitled to food and clothes, and to be given gifts at certain Indian festivals. Given the inequalities of the society, it was often better to be bonded than a hired labourer.

Labourers were not one organised class such as one may find in modern census data. Hence one can only quantify them, in the pre-British periods, on the basis of the caste system and the occupational pattern of the various communities who worked as agricultural labourers. In Bihar, especially in the northern parts, both Hindu and Muslims were divided by caste and occupation and a hierarchy existed in the society. In the southern parts, specially in the tribal areas and parts of Bengal and Orissa too, tribal labour was important, though in the course of time, these tribal people were also incorporated into <sup>the</sup> Hindu caste system. Some of this tribal labour migrated from the south to the northern parts.



The estimates of the proportion of agricultural labourers at the beginning of the nineteenth century relies partly on census data from a much later time. Taking the data of 1872, we draw an inference from the occupational pattern of the population and apply it to the pre-British period. A possible doubt about this procedure is that the proportion of landless labourers must have depended on the man:land ratio. This raises three questions: the size of population, the system of tax extraction and the impact of caste dominance. Population was already high in much of north Bihar by the early nineteenth century, but certainly lower than at the end of the century. The average holding was much larger in the earlier period. In theory, so long as cultivators could get land for cultivation even on *ghair-jaini* (where no revenue was demanded), the landless could shift to unsettled or new lands. However, under both the Mughals and the East India Company, the burden of taxation on land may be said to have been regressive, in that it fell most heavily on the small peasants.<sup>9</sup> Whether the land was rented under the *rai-yati* system or on the basis of share-cropping or *batai*, the *assamis* or cultivators were bound to pay tax to the Muquaddan (village headman). In turn, the hundreds of *assamis* engaged in cultivation worked with the help of hired labourers who were paid daily wages in cash or kind. The *assamis* were required to pay a heavy tax though they held a good part of the produce. Their obligations imply that the mobility of the population had to be restricted - labourers and cultivators were prevented from seeking new masters and the opening up of new lands was controlled by the headmen. The process of accumulation of a band of dependent agricultural labourers depended upon the cultivable land being mostly under the control of rich peasants and zamindars.

The lack of mobility was maintained, secondly, because most of the agricultural farm labour came from the lower manual castes, who were engaged in ploughing, sowing, cutting and the carrying of crops, and from free non-agricultural labourers, who tended cattle and looked after

domestic work. These people formed a large bulk of the population in Bihar.

Only twenty five or thirty percent of the population were from agricultural castes; there were middle layers of society, such as weavers, blacksmiths, goldsmiths, potters, carpenters, *malis* (gardeners), and below them washermen, sweepers, *chamars*, *mallahas*, *kahars*, and hand-cart and bullock-cart drivers who came from the *goalar*, *dusadh* or other castes. But virtually everyone was directly or indirectly engaged in agriculture regardless of their caste occupation. Very few were regarded traditionally as labourers, but entire families of the lower classes worked for hire, the numbers varying only with the availability of cultivable land and the size of holdings. The reason was not necessarily that land was scarce. The reason was rather that agriculture, the management of production and land, was customarily confined to dominant upper castes. Moreover, the agricultural labourers did not aspire to become the equal of the raiyat, the *khud-kasht* or peasant who owned cultivating plots. In this respect the traditional occupation was important. There appears to have been a close relation between the proportion of agricultural castes on the one hand, and the proportion of the area under cultivation on the other hand.

#### Population and Labour

The growth of population cannot be said to be the only reason for <sup>the</sup> poverty in the North Bihar districts. There are various other factors such as local control, production and distribution, demand and supply, and the market price of agricultural products affecting the purchasing power of labouring class during the time of scarcity. The density of population is important in explaining poverty and unemployment for a region like North Bihar. Population growth is generally linked with recourses and the power of subsistence in agrarian society when people completely depend on agriculture for their livelihood. In the North Bihar districts, the growth of population can be said to be one of the factors of poverty and of the compulsive

emigration of the labouring class by the late nineteenth century. Yet in Bihar cultivable land had long been scarce in proportion to the size of the population; and the distribution of land had also been unequal. Effective pressure of population on land was thus not a new phenomenon in the North Bihar districts in particular, or in much of India in general.

It is usually agreed that a considerable increase in population took place in Bihar from the beginning of the nineteenth century. Buchanan confirms this view. Taking into account a family size of five persons, the population would have doubled. However, we have no accurate figures; nor are there any systematic surveys except Buchanan's and the estimate by R. Montgomery Martin<sup>10</sup>; and there is no doubt that Buchanan's estimates are exaggerated. For more accurate information we have to wait for W. W. Hunter in the Statistical Account of Bengal, figures based on the census of 1872. Nonetheless, one can assume that there was population growth on the basis of certain principles. In the first place, one can argue that there is no marginal growth of population. Much of Bihar had suffered severe famine in the later half of eighteenth century resulting in heavy loss of life. It is valid to assume therefore, that early in the nineteenth century, when Buchanan's report was in preparation, there was a reduced and hardly growing population. But the Permanent Settlement was a landmark in the development of the landed aristocracy and the establishment of the modern zamindari system. This gave incentives to the zamindar to bring land under cultivation. Since the settlement was not made effective at a stroke in the north Bihar regions, the extension of cultivation took place over at least three to four decades. The consequent agricultural production allowed a gradual increase in population. This continued in different phases throughout the nineteenth century.

The indications are, if one accepts the figures of 1872 as the first systematically compiled, that the population grew from about 134 million in 1820 to 225 millions in 1871 in India. This increase occurred<sup>11</sup> mainly during the period

1844 to 1852. Between 1820 and 1844 there was a decline from 134 million to 131.8 millions as exhibited in the British records. Between 1844 and 1852 the population reached 151.9 millions, before rising to the figure given in 1871. Thereafter the population grew more slowly until it was 281 million in 1901. Thus the estimated rate of population growth in the province of Bihar can be said to be fifteen percent in the first half of the nineteenth century and ten percent in the second two decades if a moderate view about the growth of population is adopted.<sup>12</sup>

If we consider population as responding to natural calamities (famines and disease) and the level of agricultural productivity, it seems that the periods between the last decades of the 18th century and the first three decades of the nineteenth century were certainly unfavourable. The period saw a decline in the cotton and village handicraft industries. There are reports of the material condition of the agricultural population declining for want of food. Crawford describes the diet of lower caste labourers as quite unhealthy, and suggests that, earning hardly more than rupees two to three rupees per family member before 1858, they could not afford to buy sufficient food.<sup>13</sup>

In the Census Reports from 1872 to 1901, the variation of population suggests a similar period of decline. There was a very heavy burden of population on the land in the North Bihar districts, but the reports indicate that there were also worsening conditions for the labouring classes.

The following table shows the variation of population in the north Bihar districts in different decades from 1872 to 1901 in the districts of, Saran, Champaran, Muzaffarpur, Darbhanga, Bhagalpur, and Purnea.

Table 7

North Bihar Area Sq Miles	Population	Density	Variation of Population percentage			
			1872-1881	1881-91	1889-1901	1901-11
21,822	14,007,646	642	+14.0	+5.9	+1	+1.9

sources; Census Report 1921,

Whether or not the underlying growth rate was truly as high as 14 percent (from 1872), the indication in these figures is that the expansion of cultivation and production was halted towards the end of the century. The period between 1881-1900 was a period of scarcity, famine, plague and disease. There can be no doubt that malnutrition as a result of the failure of crops and the general rise in food prices affected the labouring classes. The growth of production was largely in commercial crops. Unemployed workers and tenants-at-will were found to be leaving their village and taking up manual work either in indigo factories or in the cities. Within Bihar there were intricate patterns of population density. But a broad picture can also be seen. The regions to the north and south of the Ganges appear to be distinguishable in that 89.5 percent of the total area in the north Bihar region was cultivable at the close of the nineteenth century, whereas in the south the proportion was only 78.4 percent. The density of population in both the regions was highest in the area touching the Gangetic plain and diminished as one travelled away from the river. There is only one reason for this difference: the early settlement in the riparian tracts of the Ganges valley related to the affluence of agricultural production, trade and commerce.<sup>14</sup> In course of time when cultivation increased and transport and communications became more convenient, the pressure of population increased also. This was found in the rice growing areas of North Bihar in the later parts of the nineteenth century. The tendency of people had always been to move towards more productive areas. Therefore with the increase of population, more arable land had also been brought under cultivation.

If we consider the period between 1881 and 1891 and one of the most heavily populated districts of North Bihar, Saran, we find that the density of population increased from 859 to 923 persons per square mile. But even in 1931, the density was only 927 per square mile. The Census Reports of 1921 stated that the power of subsistence of the Saran agricultural land had reached its maximum extent years

before. The fact was that after the period 1881 - 91, there was little or no increase in population in Saran for forty years. This implies that the emigration during this period was merely a means of reducing the burden on the soil. However, there were occasional heavy losses of population due to malaria, plague and other epidemic diseases, especially in the most densely populated areas. Therefore, although the pressure of population was necessary for emigration, the true reason for it was the lack of or the cost of access to agricultural land. Such was the case in Manjhi, Chapra and Sonpur in Saran in 1891 where emigration occurred to other districts and to Bengal. The same tendency was found in Sitamarhi and Hajipur sub-divisions in the districts of Muzaffarpur.

In 1891, the density of population was 1,251 persons per square mile of cultivated land in Hajipur and 1,089 persons in the Sitamarhi sub-divisions. But the movements of population from these areas towards the north was due to the extension of cultivation there. The relatively low rates of rent attracted cultivators as well as labourers. But, taking into account all the shifts of population, it was mostly the labouring class of people who moved. They went in search of livelihood. Indeed in the more southerly areas were to be found most of the rich zamindars and occupancy raiyats and most of the double cropping. The zamindars benefited from the high rent rates, but well-to-do cultivators also enjoyed better living conditions and better transport and communications. Farming methods were more developed. But the people who did not share these privileges were being squeezed out, and emigrated to other areas as labourers. Hence the degree of inequality in the society affected emigration; it increased because the inequality, and not just because the population, was growing.

One can put this another way. In Darbhanga the concentration of population was much greater in the southern parts than the north and middle areas. The density of population had become intense, particularly in relation to the scarcity of cultivable land. Samastipur had the densest population, 1000 persons per square mile. But the basic

reason for this level of population was a concentration of land in the hands of *zamindars* and their failure to maximise the cultivated area. Raj Darbhanga took interest in the development of those areas which were covered in saline afflorescence and which grew nothing but long grass.

Finally, the fact that the *problem* was more the burden on the soil, did not reduce the misery of the population: it merely shifted it from one place to another. There was exploitation and mismanagement in the areas which received the migrants, in the tea-gardens, in Bengal, in Burma, and in the Central Provinces. And as the number of immigrants was fairly small, they hardly mattered from the point of view of the long-run material welfare of the labourers.

Hence we can contrast the cases of Darbhanga and Champaran. In regard to Darbhanga and also Muzaffarpur, P.C. Tallent in the Census Report of 1921 commented that population was at a maximum level, given the almost total dependence on agriculture. Already at the close of the nineteenth century, 80 percent of the cultivable area had been brought under cultivation<sup>15</sup>. A P. Macdonnell made almost the same estimate in 1875; and probably that level had been reached, at least for the southern parts, even in the first half of the century. Labourers were mostly under the control of the Darbhanga Raj and lesser *zamindars*. There were Brahmins engaged in their profession as well as working as cooks and domestic servants in houses of rich farmers and *zamindars*. But the condition of the lower caste population was worse than in other districts, especially those with an even more dense populations. The effect was slavery in a social form. The people of the district were not very adventurous, though some of the unskilled labourers went to work in transport and jute presses and mills in Bengal. But the underlying reason for the circumstances of the poor was the dominance of the *zamindars*, and the social customs and economic norms which they had developed. By contrast, Champaran was attractive to migrating labour because of the availability of employment in its south-eastern corner.

Although the climate was unhealthy, people from Saran and Muzaiffarpur sought seasonal employment, especially in the indigo industry. In addition, local tribal communities were mostly engaged in manual work, tilling, sowing seeds and harvesting. They worked as domestic servants as well, and also never aspired to go out of the district for employment. The density of population was only 507 persons per square mile in 1901, and natural conditions were favourable to the growth of population in the northern tracts of the district as a result of agricultural expansion. But the conditions for the labourers were little better in Champaran, where they were apparently in demand, than in Darbhanga, where they were plentiful.

### Labour and the Expansion of Cultivation

There are some contradictions in the agrarian history of North Bihar in the nineteenth century. On one hand we find a decline of cultivation in most parts of the districts as a result of the decay of the river system, the lack of irrigation and the low incentive for the land-owning classes. On the other hand the population was growing, and there was an extension of cash crop cultivation, especially of indigo, opium, tobacco, sugar and oilseeds. In some places, such as the northern parts of Champaran, with its recurring problem of fever, cultivation spread into unsuitable areas. There is evidence of dislocation and of high migration. The number of emigrants and servants supplied from Saran and other districts suggest that the landless class was increasing and becoming poorer while agriculture became more commercial. The explanation lies in class differences.

The number of agricultural labourers and of the lower class of population in the North Bihar districts increased during the nineteenth century. At the same time, the area under cultivation expanded, and the demand for labour increased, both inside the districts and outside Bihar. But, various factors affected the demand and supply and the conditions of labour.



We have noted that the second half of the nineteenth century was a period of growth in agricultural production and in population. By the close of the century, there was hardly any room for further increase in the cultivated area, or, therefore, in population. The unskilled and unemployed labour force was being forced out from the agricultural sector to industrial and urban centres, in search of alternative employment, irrespective of caste-occupations.

The expansion of cultivation in the north Bihar districts varied from region to region during the period 1872-1901, depending on the nature of soil, climate, and the system of land control, as well as the utilization of the labour force. For example, the decade, 1872-81, saw rapid growth in cultivation, the percentage varying between 23.1 percent in the district of Darbhanga and 10.5 percent in the district of Saran. But in all districts, the percentage of the increase started to fall between 1881 and 1891, and in the last decade of the nineteenth century, there was in most districts a decline in the area under cultivation. The following table shows the variation *in the* extension of cultivation in the districts of Patna Division during 1872 - 1901:

Table 8

Districts of Patna Division	Years		
	1872-81	1881-91	1891-1901
Darbhangha	+ 23.1	+ 6.4	+ 3.9
Champanan	+ 19.5	+ 7.9	- 3.7
Muzaffapur	+ 14.9	+ 5.0	+ 1.5
Saran	+ 10.5	+ 7.3	- 2.2
Patna	+ 12.6	+ 0.9	- 8.4
Shahabad	+ 13.9	+ 5.8	- 4.7

(Source: Census Report of India 1911, volume 4, p. 124)

The growth of population and the expansion of cultivation were generally linked, but in some areas production increased for other reasons. Boserup's distinction between less and more frequently cropped rather than uncultivated and cultivated land, can be applied<sup>16</sup>. When there was incentive for cultivation with new techniques and double cropping, and the growing <sup>of</sup> commercial crops increased, these were alternatives to the search for new arable lands and the movement of agricultural labour from one district to

another. But in North Bihar these options were taken up largely to provide profits for the few, and none to a degree that matched the existing high levels of population, despite some movement from crowded to sparsely - populated areas. In the North Bihar districts, there was less scope for new cultivation after 1891 anyway. In this respect it was unlike the Eastern Bengal districts where a large growth of population and thereby great scope for extension of cultivation was possible<sup>17</sup>.

In this situation two new factors affected the relative position of labour. One was the British concept of land tenure. In the first place, it might be seen that the incentive in the Permanent Settlement of 1793 to bring more land under cultivation and for clearance of jungle would accelerate agricultural production, and hence increase the demand for agricultural labour and the daily wages of manual workers. However, the well - defined land-tenure also institutionalised the rights of various types of landholders. Because zamindars and fixed - rate tenants were made secure, the position of labour was also fixed. The British made categorical distinctions between the privileged and non-privileged classes. They divided society in terms of categories, and later into castes and tribes based on birth or race and occupation. Even the statistics collected by the officials on the economic condition and standard of living were often given shape by caste criteria. Caste was taken to justify the economic status of different categories of the population. The principle adopted in land legislation and administration as well as in distribution of land was thus hierarchical<sup>18</sup>. This accelerated the exploitation of the poor, and reinforced the attitudes of the upper classes towards the lower. Moreover, the revenue system perpetuated the fact that the larger share of land holdings was in the hands of the upper castes: they were also made more able to manage and control land. Thus such extension of cultivation as there was in the districts of North Bihar was initiated by the upper caste zamindars and rich peasants (as well as European planters). They employed lower caste labourers to increase production, but had no incentive to change their

conditions. They first paid the high revenue demand, and later increased their profits. There is no doubt that agricultural labourers and lower classes of population were those from non-occupancy *rai-yats* and tenants-at-will.

The British view of Indian society, caste and cultural differences, brought into practice in the administration as well as in land tenure, thus reinforced the existing structure from the late eighteenth century onwards. Caste was influential at all social levels. Buchanan observed that the privileged class of Brahmins, Rajputs, Kayasthas, Saiyads and Pathans occupied as a matter of right whatever land they needed for their houses and orchards free of rent. They were also given land for cultivation on reduced rents or even free. The second category of tenants, the trading community and money lenders, could lease small plots and cultivate with hired agricultural labourers. But they paid a very heavy rent. The third category were under-*rai-yats* with an occupancy right. They worked as *bataidar* or share-croppers. But finally, there was a category of under-*rai-yats* who had no record of occupancy right and who rented land from tenants at high rents<sup>19</sup>. The Permanent Settlement ensured that the privileged class of zamindar and land-owners and rich tenants would extract rent from the lower classes of cultivators. It also ensured the employment of labour. These were both share croppers, and agricultural labourers working on daily wages having little or no land of their own. They formed the real backbone of agricultural production.

The period between 1793 and 1859 was a transitional period with experiments of land legislation on the one hand, and on the other the existing hierarchical agrarian society struggling to adapt to the British system. There were some British attempts to reduce the power of zamindars and give rights to the tenants, but the growth of share croppers, the indebtedness of small tenants, and the exploitation of cultivators and lower classes by a powerful economic class were the most notable features of the period. They gave rise to concern in the 1870s, and thereafter it became clear to the government that there existed a class not only in

Bihar but throughout India, which suffered from social and economic exploitation, even starvation, having insufficient means to support their families and hardly any right to hold land<sup>20</sup>. These people had no access to professional sources of rural credit or to commercial markets: they had no assets on which to borrow except their labour. Moreover, the direct appropriation of agricultural surplus through the use of a cheap labour force reduced the pressure to maximise agricultural production. Therefore, agricultural output hardly sustained the growing population. Between 1800 and 1850, the quality of land and agricultural production were neglected in areas of the Gangetic plain where there was pressure of population. The powerful landowners were interested in their rent and the Company's government in the regular collection of revenue. The incentive was moreover towards indigo and opium production rather than agricultural crops. The immediate beneficiaries were the planters and rich landowners and zamindars. But the landowners had little incentive to improve methods of cultivation. The general practice was to allow crop to follow crop without intermission and without any initiative being taken by the zamindar or the government to increase the productivity of the soil or provide relief to the growing number of landless and poor agricultural labourers. Hence, as the population increased, the land produced diminishing returns, thus further reducing the condition of poor.

In England, during the same period, oppressive landlords also employed agricultural labourers part-time, and at-will. Privatisation of the proprietary right was more dominant in England than India. Under English law a landlord was the real master of his property. In India other hereditary rights in land qualified this legal right in practice. But also the English landlords took the initiative in production as they gained a direct profit from it; therefore, they exploited the labour force to produce the maximum output. In India, however, social dominance was more prominent than legal rights. In Bihar only a few big *zamindari* estates took much initiative for the extension of cultivation after 1793. Moreover, under the foreign power,

while experiments for settling the land-tenure system and other late~~r~~ political changes were taking place, land owners were much more worried about their proprietary rights and their rent, and hardly cared for the productivity of land.

A second factor producing change for the agricultural labour force was the creation of the international economy. British economic policy was directed towards free and private trade. The Charter Act of 1813 put an end to the monopoly of the East India Company and free merchants were provided with special licence to trade lawfully. Under the Act of 1833, the freedom was provided to reside, hold land and trade without licence in the Presidencies of Bengal, Madras and Bombay (Charter Act, clauses 81 - 86). By this time there was a growing demand for raw material for the developing industrial revolution in England. The British money market had been growing steadily year by year, after the close of the Napoleonic war, in the Mediterranean countries and also in the USA. In India in general, and Bengal Presidency in particular, the situation was quite different from Britain from the point of view of the structure of society, but the existence of a large labour force in the first half of the nineteenth century favoured capitalistic agriculture. Apart from this, from 1857 to 1865, <sup>was a</sup> there ~~was a~~ major movement of British capital towards India to transform the land with public works and investment of the rupee loans in subsequent war and annexations floated in Calcutta. Such investments were made by civil and military servants of the former East India Company for safe-keeping of their accumulations. As an independent mercantile establishment developed, the trade and exchange in banking were financed by the servants of the East India Company too. The capitalist class, in the middle of the nineteenth century, were in good possession of wealth and plantation mortgages, shares in the mercantile and banking establishments and rupee loans, which had been brought from India from time to time by officials. These interests represented simply portions of the Indian spoils and revenue invested in India. They did not constitute an export of

British capital but only the income from it entered into the commercial balances. By such revenues and profits, England derived £ 300,000,000 an average annual income of three or four million pounds from its Indian estate for seventy years (from 1800 to 1870) with neither expense nor trouble to itself<sup>21</sup>. Thus the annual economic drain from India affected those who depended upon their labour, and the growth of trade merely worsened their conditions, especially in Bihar and the Bengal presidency, where there was hardly any large-scale industry established during this period. The labouring class became even more completely dependent upon agriculture. Its <sup>w</sup>commercialization merely ensured that they worked either in the European indigo lands or on the lands of rich farmers or zamindars.

Above all, the effect was to narrow the options of employment in the agricultural areas, especially for former artisans. The rapid growth of unemployment and the movement of agricultural labourers, unskilled and skilled, from one place to another in search of employment, especially in the district-towns and villages in the early years of nineteenth century, increased the burden on the land. One important factor was the decline of cottage industry, especially in Bihar, in the face of Manchester competition, and the failure to develop alternatives within the region.

### The Paradox of Labour Scarcity

To assess the importance of these legal and economic changes for the labour force, we must consider in more detail the question of labour supply, and in particular the way that it both seemed to be scarce, and also was found to be so much in surplus as to lead to famines and to government intervention to assist emigration. We will consider the supposed scarcity first.

Buchanan referred to the dearth of free non-agricultural labour in the first two decades of the nineteenth century. But he included merely: (1) those who tended cattle; (2) those who served as coolies or porters; and (3) domestic servants. He thought the agricultural

labourers were broadly of two classes — the regular ploughman and the ordinary day labourers. The ploughman generally cultivated the land of his 'master' on a share-cropping basis as in the later period. The day labourers were generally employed to weed, transplant, and water the plants but especially for reaping which they received an allowance of 5 1/4 percent of the produce<sup>22</sup>. The regular plough man in Bihar received higher wages than a day labourer, either three seers of grain a day during the ploughing seasons, or an equivalent in cash<sup>23</sup>. Women also worked as day-labourers for weeding and transplanting, earning about eight annas each. The non-agricultural labourers earned a rupee or two, during the first half of the nineteenth century, for occasional work such as loading and unloading goods. A domestic servant earned one and a half rupee a month with food and clothing, or otherwise two to three rupees a month.

Two developments began in the early nineteenth century, and related to these variations in the wages of various categories of labourers. On the one hand there was the rapid decline in the cotton industry, which led<sup>to</sup> the unemployment of numerous industrial workers. On the other hand, in Eastern India as a whole, there was a large expansion between 1813 and 1833 in the production of raw silk, opium and indigo: it would be thought that, especially as it was accompanied by some expansion of the cultivated area, this would have increased the demand for agricultural labour <sup>24</sup>. The demand was also increased by the growth of trade. There were even signs of shortages. Difficulties arose over transportation for the Company's supplies and private merchant's goods between parts of Bengal Presidency in the beginning of the nineteenth century. In 1803, the Magistrate of Patna wrote to the Bengal government that boatmen and coolies were not available to conduct boats laden with public stores for upper provinces. Therefore, assistance of other service men was sought to discharge the duty<sup>25</sup>. Similar difficulties were faced by merchants, and by government servants during the 1820's in moving baggage from one place to another. The magistrate of Patna had to

request the Army to provide porters, and use all his power and influence to obtain labour in Patna<sup>26</sup>. Moreover, advance payments had to be made before workers could be engaged.

One response was to employ convicts. Early in the nineteenth century, prisoners were used for the construction and repair of roads in Muzaffarpur and Hajipur—110 of them according to the Magistrate of Tirhut. But this source of labour was restricted to the vicinity of jails: the magistrate would not deploy the prisoners far from headquarters because of guarding and accommodating them<sup>27</sup>. Instances of convicts being employed on roads were also found in the Patna and Gaya districts. In 1815, the Magistrate of Bihar employed convicts at different places under military guard: another military detachment was posted in Gaya.<sup>28</sup>

One explanation of the shortages of labour for government needs and for the low wages, especially for non-agricultural work, is the persistence of forced labour in Bihar. The norm for repairing roads and other building works was that raiyats were dragged to them from their fields. A second reason was that social conservatism reduced competition. The displaced weavers could work in agriculture and as porters. But it was beneath their dignity to work as labourers: they were people who had pursued an independent calling as manufacturers, or a semi-independent business as journeymen-weavers or cottonbeaters. Physically too, coming from sedentary occupation, weavers found load carrying and digging tiring and irksome. They were unused to working in public, and feared the danger of carrying luggage long distance. A third explanation was migration of weaving population, specially those living near roads. Most of the villages which had been famous for cotton manufacture and as centres for weaving and handcrafts became practically depopulated.

Finally, one factor which kept down the wages of coolies so that they were less than those for journeymen weavers and agricultural labourers in the early years of the 1830s was certainly the growing demand of commercial



agriculture. The same pattern appeared in Bengal. Above all, the apparent incompatibility of an increasing demand for agricultural labour and a growing supply from other sectors, is explained by the manner of this agricultural expansion. The important question during this period was the production of commercial crops. It was at the initiative of a new market-oriented class, that is, European indigo planters, landlords and zamindars who were given priority in the north Bihar cultivated areas. These people showed the enterprise to invest capital (made from trade and commerce) in the production of new crops. This need for labour in both agricultural and non-agricultural sectors increased, but their social and economic control meant that they had no reason to appeal to market forces to secure labour which did not receive returns comparable to the value of output at least until the 1860s and 1870s. Only in the late nineteenth century when labour was being sought by mills and commercial centres, was there some limited review of wages.

#### Government Intervention and Emigration

Gradually in the late nineteenth century, the government came to believe there was a crisis of labour and subsistence, especially in areas such as Bihar. Their investigations became fuller as time went on. At first, as in the report on the condition of the lower classes in 1871, the findings were obscure or inconclusive for want of evidence. The reports submitted by A. P. Macdonnell on food grain supply provided valuable information during the period of scarcity on measures to be adopted in this regard. But certain facts were clear. The expansion of cultivation was slowing down. The tenure structure, as depicted by Hunter in the Statistical Accounts series in the early 1870s, was diverse, but a sizeable proportion of cultivators, raiyats holding land as share croppers and tenants-at-will, had no legal rights in the eyes of zamindars due to the insufficient measures adopted by the government. The wages of agricultural labourers were still low: prices had risen, rents including *abwabs* were high; food, dress and houses

were inferior. Above all, the *famines* of 1866 and 1874 had almost paralyzed life in the North Bihar districts. It was concluded that the productive power of the land was proving insufficient for the population<sup>29</sup>. The Famine Commission and the Census Reports of 1881 reinforced this fear, by providing full details of the scarcity and sufferings of the people.

The response of the government included further investigations into the supply of sufficient food grains and the production of commercial and food crops, and also the appointment of the Bihar Rent Committee as part of the Bengal Rent Law Commission of 1880. Attention began to be paid to labour as well. Various measures were taken to encourage migration from densely populated areas.

Among the investigations was a survey and investigation made by F. H. B. Skrine into the material condition of the lower orders in Bengal during the ten years from 1881 - 82 to 1891 - 92. He provided detailed information about agricultural production, tenure structure, pressure of population and the deteriorating condition of the lower orders of society in the North Bihar districts. Skrine found that the class of agricultural labourers was small, and their services were much needed. He thought that the spread of the railway had helped them a great deal by allowing their movement from place to place<sup>30</sup>. On a large scale, the Dufferin Report of 1888, investigated the material condition of the people and the policy of the government both inside India and abroad<sup>31</sup>.

One intention was to provide for adequate food supply during famine, but Dufferin's Report of 1888 and the Famine Report of 1888, studying typical districts of the Bengal Presidency, also went into details in ascertaining the following aspects: (i) the area of the holding of each raiyat; (ii) the utensils used by him; (iii) the extent of his indebtedness, (iv) the value of ornaments worn by the females of his family; (v) estimates of the produce of land; (vi) the cost of cultivation; (vi) the cost of ordinary food; (viii) the cost of clothing; (ix) general subsistence (x) expenditure incurred on social coremonies; (xi) wages of the labouring classes; (xii) the degree of their

independence; (xiii) and the amount of expenditure being incurred by them<sup>32</sup>. These points matched the reports of the local governments when they were asked by the government of India, in August 1887, to submit their views on two major questions: (i) whether it was true that a large proportion of the population of India had to live ordinarily on insufficient food, and (ii) if so whether there was any remedy to be found.

The Government's public conclusion was that, in the agricultural tracts, the lower classes always lived from hand to mouth, and were therefore, vulnerable in the large areas where rain fall was scanty or liable to failure and where population was high. The poor in Bihar, for example, especially in the most overpopulated areas of the Ganges valley, were "in a state of degradation"<sup>33</sup>. The government's resolution recommended the emigration of population from densely-populated to thinly-populated areas, and the extension of transport and irrigation. The emigration of Bihar landless labourers to Burma was to be encouraged at a cost of thirty rupees per head.

From the organisation of the new department of agriculture, the resolution passed in 1881 and the report on the lower classes submitted in 1888, the policy was to seek a solution of the problem within the reach of the administration. The idea of emigration was derived partly from the example of Ireland earlier in the century. Sir Stuart Bayley had advanced such an idea in 1875, following a suggestion from A. P. Macdonnell, then collector of Darhbanga. The emigration scheme to Burma from Bihar was introduced in 1882. The passage of each family was paid to Rangoon and on to the place at which they were to settle. The labourers were taken as indentured migrants for terms of one year to cultivate land under the supervision of proprietors in areas varying from ten to twenty acres. There was an exemption from land revenue for the first five years. In the beginning a band of fewer than one hundred men and

women went to Burma. They did not adjust to the climate and conditions, although they worked as coolies on the railway lines. At last either they died while returning to India or survived to migrate again to Assam. The scheme failed because of bad planning and mismanagement. Moreover, it did not take into account the wishes of the settlers who did not want to leave their family and social relationships. Indeed, cultivators who had land and some hope of better prospects locally did not want to shift from their villages. Only landless labourers, who were 'useless as agricultural settlers, were induced to move'<sup>34</sup>. This class of population was categorised as non-productive; the social and economic inequality had taken such a firm root in the eyes of the law and officials.

Nevertheless the people were important in agricultural production and building work in British colonies; they cleared the jungles and settled in waste lands. The agencies employed for attracting them promised better prospects overseas, specially where expanding sugar plantation increased the demand for labour. In practice the labourers faced problems in settlement, low wages, and physical harassment. It was, of course difficult for officials and agents to settle people in new places where they needed not just housing and medical care but adjustment to language, culture and climate. Moreover, as these problems were not solved, compulsion became an important factor in emigration in the era of indentured labour.

Thus people from Bihar emigrated via Calcutta to Burma, Mauritius, and the West Indies. In lower Burma, they brought 1500 acres under cultivation in Tannasserin Division, and introduced new staples and methods of agriculture. Yet another example was the initiative given to local capitalists in the Central Provinces to settle labourers from Bihar. Government provided assistance through advances of money and administrative help for the reclamation of waste land. This was effectively the same method as was adopted in Burma.

The Government did learn some lessons. Taking into account the heavy losses of life in the beginning, it tried to avoid the importation of immigrants in bad seasons when employment was not available. Areas were selected to receive migrants where they could readily survive. Nor were labourers allowed to settle as cultivators. Generally, also, labourers were advised not to be accompanied by their wives, though there was a general tendency among people of Bihar who migrated to outside districts to go with some friends and relatives. The indentured labourers sent from East India to West India or any British colonies were, initially, to work on agricultural land or manufacturing purposes, females for three years and males for five years. They were given free passage if they stayed there and if they returned, no passage was given. Sometimes, destitute labourers who went to colonies, returned in the same condition and it was difficult to trace the families of such destitutes on their return. Such instances were found in Gaya<sup>35</sup>. The indentured labourers were required to work nine hours a day without extra remuneration. Able bodied youngsters above sixteen years were paid one shilling and half a penny, equivalent to twelve annas and six paise for each day and they were required to work for six days. The adults but not able bodied or minor and above ten years and under sixteen years of age were paid 8 pence, i.e. 8 annas per day and for extra hours they were paid proportionately.<sup>36</sup>

Why should Biharis have accepted these conditions? Emigration from areas where labourers were under the local control of *maliks* and landholders was discouraged by them. These labourers were looked upon as private property. There was growing compulsion among the agricultural labourers for outward migration as well as seasonal migration temporarily to the neighbouring districts.<sup>37</sup> On the other hand growing demand for labour coupled with the pressure arising out of indebtedness and price rises certainly compelled people in Bihar to migrate. Indeed, quite apart from the outward

migration, agricultural labourers and daily wage labourers moved about Bihar. They went for example to Shahabad, Champaran, Patna and Muzaffarpur from the district of Saran. Many labourers shifted<sup>to</sup> the east to the districts of Purnea and Bhagalpur. Further afield again they were found in Calcutta, Dacca and the adjoining districts of Bengal and Orissa. Eastern United Provinces and Western Bihar supplied much labour in the late nineteenth century to the province of Bengal.

In part, in the immediately adjoining districts of Bengal and Bihar, this was seasonal migration. It depended upon the demand for labour during the harvest period, especially for males during the cold weather.<sup>38</sup> But in general, labour was needed during August and September for the *bhadai* harvest, during November and December for the *aghani*, and during March and April for the *rabi*. The transplantation of winter rice also created a demand in June and July. These were also the times when demand was highest in the home districts; only in Saran was demand largely fulfilled by the labour available locally. Therefore, taking the year as a whole, seasonal labour opportunities did not reduce the dependence of the labour force, even though the improvement in transport, railways and roads, facilitated migration. This was a different case from permanent migration, particularly to overseas colonies, from which it was unlikely that people would be allowed to come back. The number of permanent migrants was, however, much smaller.

In this situation some officials could see that far more elaborate efforts would be needed before emigration would greatly change the conditions of the poor in Bihar. Thus, while considering the question of migration and emigration of labour from Bihar, Michael Finucane, the Director of Land Records and Agriculture, suggested a more active role for government in encouraging the demand for Bihari labour. Finucane thought Bihar a special case. While submitting a special report on the condition of<sup>the</sup> lower orders of the district of Muzaffarpur and generally in Bihar, he said: "It showed that the condition of the agricultural classes in that part of the country is at present far from

satisfactory. ....My personal opinion is that the condition of the agricultural classes in Bihar, including parts of Bhagalpur Division, has deteriorated within the period of British rule, and that<sup>k</sup> is now deteriorating, while that of the population of the greater part of Bengal proper has improved; that no appreciable p<sup>y</sup>oportion of the rural classes in Bengal proper appear, as distinguished from Bihar, to be suffering from want of food...."<sup>39</sup> Finucane recognised that labourers had difficulties because of malaria and other diseases, in settling in the Sundarban and jungle areas where the extension of cultivation clearly needed their help. Hence he suggested other schemes for inter-provincial emigration, to the Central Provinces and elsewhere, whereby migrants would be settled on government and Wards' estates and with zamindars, he set out the terms and conditions on which they would be required to cultivate. He proposed that, landlords be asked if they were willing to accept surplus population from congested districts. The government would advance loans to the labourers and cultivators for seeds, implements and huts, through the Agricultural Department, in the case of government and Court of Wards estates. Zamindars would be responsible for this outlay on their estates.<sup>40</sup> Finucane's proposal did not receive enthusiastic support from the district officers or zamindars. Officials did not generally submit exhaustive reports about the suffering of the people, or did so only after inordinate delay. No other agency could provide detailed information.

At the same time, government was doubtful whether migration alone could relieve the increasing pressure of population in the Ganges Valley: the land reserved in Burma for the immigrants could absorb only one fifth of one year's increment in population. Therefore, the investigation of Dufferin and his colleagues had gone further. Measures for providing relief to the distressed people were to be based on reports from district officers and Famine Commissioners. They were to include the encouragement of cultivation - in new lands, because of improved security of property, and through better agricultural methods. Of these encouragements, the second and third were the most important in

Bihar. The government wanted an extension of cultivation, through the initiative of landlords or even at the government's expense, both from the point of view of revenue and giving of relief to the population. Every effort was made to bring fallow land under cultivation in the districts of North Bihar, but the opportunities were now limited. Few lands were left uncultivated in the most developed areas, such as in Saran and Muzaffarpur. In Saran only 1.4 percent and in Muzaffarpur a little over 1 percent of the land was left fallow.<sup>41</sup> Hence the government mainly designed tenancy legislation and Survey and Settlements to secure land to the producers. Disputes were occurring in Muzaffarpur over minor boundary marks, due to the scarcity of land and during this period land prices started increasing. Thus attempts to improve cultivation became a major activity of the government.

But these measures were not directly relevant to labourers. They arose out of a broad conception of the nature of the problem facing rural India, that it was a crisis of production and population as well as of inequality.<sup>42</sup> This view was encouraged by the vagueness of the estimates in current reports. It was believed that forty percent of the population was poor and suffering from scarcity. The estimate was made on the basis of Famine Commissioners' statements. No distinction was made between the poverty of peasant cultivators and that of the lowest classes. The estimate of forty percent thus put together those who suffered during scarcity with the number of poor people in general, and presented the result as the proportion of the population suffering from poverty. But in fact there were two aspects here: the numbers submitted in reports during famine relief operations, and the findings of general investigations into the condition of the lower classes. There must have been a difference between the numbers experiencing scarcity of food at a particular time, and the band of poor people perpetually suffering poverty and social and economic oppression. In the case of North Bihar both these phenomena existed, at least for over a



century before the Dufferin Report. During the famines (in 1770, 1865-6 and 1874 as also later in 1896-7) the whole of the population suffered, largely irrespective of caste and class, with the exception of rich peasants and proprietors who had increased in number in the late nineteenth century, especially during the Survey and Settlement Operations period. At times of scarcity forty percent of the population could be regarded as genuinely near starvation in affected areas. But it was an exaggeration to use this figure for the numbers normally starving or suffering for serious want of food. There was serious hardship among occupancy raiyats and non-occupancy<sup>c</sup> raiyats who belonged to both agricultural as well as occupational castes of the middle category. A few poor among the high castes also suffered. But the majority of the destitutes were to be found among the lowest in social status, their number swelled by some of the old and sick, the orphans and beggars. F.H.B. Skrine concluded for the period 1881-82 to 1891-92 that 20 percent of the population was half fed in Patna Division, though indebtedness was nearly universal.<sup>43</sup> This may be a fair calculation for ordinary years, taking into account the region's capacity for subsistence, the employment opportunities, wages, and size of land holdings.

Nonetheless, despite the concentration on broader measures designed to benefit agricultural production, government had to pay some attention to the plight of the landless or semi-landless labourers. The realization by 1881, that there was hardly any scope for extension of cultivation, and worries about food supplies, meant that the large dependent population could not be wholly ignored. Hence the government's interest in emigration. But this answer and the related development of trade and industry were changes which lay mainly outside affected regions such as North Bihar and left their social conditions largely untouched.

The late nineteenth century was indeed a crucial stage in terms of the demand for labour inside and outside the country. Supply was encouraged by improving transport and communication, railways and roads and even canals.<sup>44</sup> Ever

since the 1830s and 1840s there had been arrangements to supply Indian labour to other British colonies. The resolution adopted in 1887 also included as a priority attempts to meet the labour demand from the Eastern United Provinces, Bihar and other areas of Bengal Presidency. As we have seen, there were greater official efforts to extend this migration in the late nineteenth century. At the same time, within those same parts of India, there was no effective challenge to the role of money lenders, *mahajans*, indigo *planters*, *thikadars*, *maliks* and zamindars: the commercial revolution depended on a cheap labour force within India as well as abroad.

Whatever the situation earlier in the century, there was no doubt that by its end the demand for, and mobility of labour had increased. This view was supported by both the Report of the Bengal Labour Enquiry Commission in 1896, and the report submitted by B. Foley on Labour in Bengal in 1906. The methods of labour recruitment and migration to various sectors varied from region to region. This increase in demand had many reasons, but particularly the expansion of cultivation after the gradual initiatives taken by the landholders who depended upon labour. Less important but still significant were the needs of tea plantations in the hill tracts and Assam, and, in Bengal and Bihar, the more intensive processing required for expanding commercial crops such as poppy, indigo, jute and sugar. There were also fully industrial demands, including coal-mining and the railways. Physically strong and well bodied persons were drawn from agricultural labourers for this work. In the last decades of the nineteenth century jute mills and other factories started to be established in the city of Calcutta and its suburbs. Besides, there was also a growing demand for labour on the railways, rivers and sea-ports for loading and unloading raw material and manufactured goods.<sup>45</sup>

Most of immigrant labour in Bengal came (as we have noted) from Saran, Muzaffarpur, Darbhanga and districts of Eastern United Provinces. The Bengal Chamber of Commerce was an important agency for monitoring this supply.

According to the resolution passed on 6 January, 1906 on the demand for labour by the Indian and Ceylon Chamber of Commerce, the labourers from the agricultural sector were found to be fit especially for work in jute mills, coal mines and the Calcutta port, and they were abundantly available throughout the year except the months of March, April and May. At these times they tended to go back to their respective villages for cutting *rabi* crops, sowing *bhadoi* crops and meeting social and family obligations. These agricultural labourers working in the industrial sector were paid less than those working as coolies.<sup>46</sup>

Foley's report and Fremantle's on the districts of United Provinces, also reveal, on the basis of district officers' submissions, that it was people below the poverty line who were ready to emigrate temporarily to Bengal, or more permanently to the colonies as indentured labourers. The following table shows however, that (as already discussed) migration was not a simple matter of population density.

Table 9

Population Density and Emigration in Bihar and United Provinces 1901:

Districts	Population/ Sq mile	Persons per 10,000 enumerated in other districts
-----	-----	-----
Muzaffarpur	917	264 .
Saran	901	791 .
Darbhanga	873	127 .
Ballia	790	857
Patna	777	479
Jaunpur	748	285
Azamgarh	712	392
Barabanki	692	19
Fyzabad	677	131
Benares	671	540
Basti	670	10
Ghazipur	656	761
Gorakhpur	629	233
Monghyr	527	409 .
Gonda	497	27
Gaya	457	466
Allahabad	469	286
Shahabad	449	696
Mirzapur	191	323

Source: Report on Labour in Bengal 1906.

Clearly particular districts supplied more labour than others. Migration was most common from the adjacent districts of Ballia, Saran, Ghazipur and Shahabad, at the heart of the major labour-supplying areas of U P and Bihar. Hugh Tinker says that emigration to colonies from Bihar, U.P. and other areas, especially to colonies was mainly from over-crowded agricultural districts during the period of scarcity, bad harvests and rise in price of food grains<sup>47</sup>. Nevertheless, the officials agreed that the migration of labour depended upon its being easily available at a cheap rate as was possible in these agricultural areas, and that it held out the prospect of easing the problems of land tenure and the supply of food during scarcity. Of course, given that landlessness could not have been relieved by a forced redistribution of land, under the existing set-up of agrarian society, emigration was certainly one way out for the government when labour was much in demand. But as a means of transforming the conditions of labour, it was a failure.

#### Wages and the Labour Market

The Patna Commissioner's reports on the Division refer almost every year to the low rate of wages in Bihar. W. W. Hunter also drew the conclusion on the basis of reports received from various sources that the wages of agricultural labourers had not increased in comparison with the rise in the prices of food grain. If comparison can be made, the price of the commonest sort of rice sold in 1790 at 74 1/4 sers, wheat at 85 1/4, and *janera* (a kind of millet) at 135 sers per East India Company's rupee; in 1871 - 72 rice sold at 19 sers 8 *chitanks* and in 1872 - 73 at 16 sers 6 *chitanks* per rupee. There was certainly a sharp rise of prices on the agricultural market, especially for rice which was the main medium for the payment of rent.

There were two kinds of wages. Coolies working in the fields were generally paid in grain, at an average rate of from 3 to 4 sers a day plus 1/4 sers of peas or grain for the mid-

day meal. Otherwise wages were generally paid in cash. According to Collectors' returns the rates for unskilled labourers were 1½ to 2 annas a day in the villages, and 2 annas in towns. Women earned one anna everywhere. The specialist *nuniya* labourers received three annas, for heavy work, and other skilled workers, such as bricklayers, carpenters and blacksmiths, also received three to four annas a day.<sup>48</sup> Hence in Tirhut common wages ranged between one and three annas a day; this would often include one meal, consisting of 3 pounds of rice or *satu* (parched and milled gram, ie gram, maize etc.). Hunter's estimate was that the wages of both skilled and unskilled labourers had risen little since 1794. The coolies were paid one anna 2 *pai* a day and carpenters about 2 annas per day in the Tirhut areas. In Saran the wages of domestic servants and agricultural labourers were almost the same as in 1811, though watchmen, cart-drivers, washermen and other menial castes living on manual labour received wages which were never more than one rupee and 8 annas a month.<sup>49</sup> In comparison with the rise in prices—perhaps fourfold since 1790 – the very small changes in wage rates imply that the standard of living of the lower classes of population had deteriorated by the 1870s.

In 1875, Stuart Bayley, the Commissioner of Patna, quoted the statement of a Deputy Magistrate of Bihar to the effect that it was a great pity that workers in Bihar were paid 3 to 4 *paise* (1 anna) whereas those in East Bengal and Calcutta were paid 6 to 8 annas. The wages of porters, carpenters, weavers and masons were also comparatively low. If a carpenter got 2 annas in Bihar, he got 4 to 6 annas in Burdwan and Dacca, and upto 12 annas a day in Calcutta.<sup>50</sup> The Commissioner was astonished at such disparity in wage rates. He was also concerned that wages in kind were at a rate of only 2½ sers of paddy or millet in Bihar. He considered indeed that the work performed in Bihar was of equal or greater value to that elsewhere. The Lieutenant Governor, Sir Richard Temple, in a minute prefixed to the Bengal Administration Report for 1875, also observed the poverty of the masses in Bihar.

In one sense, the differences persisted. A disparity in wages was apparent in the survey made by Dufferin's colleagues. There was still clear evidence of it in the Report of the

Bengal Labour Enquiry Commission in 1896. In addition, that report reveals the differences in wages in industrial and agricultural sectors.

Table 10

Statement showing monthly wages of unskilled labourers 1880-1894 in the major districts of Bengal, Bihar and U.P. supplying labourers<sup>51</sup>

Able bodied agricultural labourers

District	Year-1880	1885	1890	1894
Burdwan	Rs. 9	Rs. 8	Rs. 8	Rs. 7
Patna	Rs. 3 to 4	Rs. 4 to 5	Rs. 4 to 5	Rs. 4 to 5
Muzaffarpur	Rs. 2 to 3	Rs. 3 to 4	Rs. 3 to 5	Rs. 3,75 to 5,62
Hazaribagh	Rs. 4	Rs. 3,75	Rs. 4,5	Rs. 4 to 6
Kanpur	Rs. 3,87	Rs. 3,5	Rs. 4,00	Rs. 4 to 5
Mirzapur	Rs. 3,25	Rs. 3,5	Rs. 3,75	Rs. 4,00
Lucknow	Rs. 3,00	Rs. 4,00	Rs. 4,00	Rs. 4,00
Sultanpur	Rs. 3,00	Rs. 2,5	Rs. 3,75	Rs. 3,75

Source: Report on the Bengal Labour Enquiry Commission, 1896

The report also revealed the differences between the wages of skilled labourers in the districts best known for them.

Monthly wages of skilled labourer (masons, carpenters, blacksmiths and others) in the selected districts:<sup>52</sup>.

Table 11

District	Year 1880	Year 1885	Year 1890	Year 1894
Calcutta	Rs. 12	Rs. 15	Rs. 15	Rs. 15 to 16
Patna	Rs. 12	Rs. 6 to 8	Rs. 6 to 8	Rs. 6 to 7
Kanpur	Rs. 7,5	Rs. 7 to 15	Rs. 10	Rs. 7,5 to 9,37
Fyzabad	Rs. 8,44	Rs. 7 to 9,37	Rs. 7,5 to 9,37	Rs. 7,5 to 9,37

Source: Report on the Bengal Labour Enquiry Commission,  
1896 Para, 14

It was obvious that skilled wages were very much higher everywhere, and in roughly the same proportion to wages in agriculture. Though possibly the margin between artisans and agricultural labourers was greater in Bihar than elsewhere in 1880, it had dropped markedly by 1894. More generally, agricultural wages seem to have risen more, or more consistently, than others. There is some evidence here too

that wages were somewhat more even between districts outside Bengal by the 1890s. The explanation for these changes was partly the increasing demand for labour with more commercial agriculture in Eastern India, but the most striking thing was that, though wages related to the price of food, they had not greatly improved from the point of view of standard of living and powers of subsistence. Thus the rates ordinarily obtainable in the coal-mining districts might be taken as 50 percent above those obtainable in the North West Provinces and Oudh.<sup>53</sup> They were of course highest of all in Calcutta. But the conclusion drawn by the Commission was that the prices of staple foods were higher in the mining districts and mill areas around Calcutta.<sup>54</sup> The result was that after all unskilled labourers obtained in effect almost equal wages in the different areas in the 1890s. This may help explain the lack of impact of industrial wages on wage-rates in Bihar.

It was as a means of raising wages in Bihar that Bayley and Macdonnell had suggested emigration on the Irish pattern in 1875; Bayley had added the introduction of manufacturers as another possible remedy. Perhaps rightly, however, he did not entertain any great hopes of either.

Two factors affected the wages paid. On the one hand, in the North Bihar districts, wages were higher during the harvest period as labourers had to work hard over a limited time while crops were brought from field to threshing floor. When the *aghani* crop was to be reaped, they were given one sheaf out of every 12 or 16; they were given a sixth of the grain at the time of the *bhadoi* crop. These wages were perhaps twice those earned at other times, though the rates differed from place to place.<sup>55</sup> In some parts, the proportion of the harvest paid out as wages was as low as one-tenth. Nevertheless the grain wages were relatively advantageous; Hunter suggests that it was difficult to get workers at the ordinary cash rate during the harvests. Hence, wages were generally paid in kind at these times.

On the other hand, employment was not regular. Ordinarily a male labourer did not find employment for more

than eight months of a year. If he was paid 2 or 2½ sers, that is about  $1\frac{1}{4}$  annas per day. However, this implied an average of only two rupees a month throughout the year, so that the annual earnings of an adult would come to about Rs 24. His wife's earnings might be six rupees, giving a total of Rs. 30 for a family of two adults and perhaps two children, provided his wife worked. This or the equivalent in the coarsest grain was a typical income for a family of the labouring class in the 1880s. It was perhaps three times lower than that of unskilled labourers in East Bengal, and four times lower than in Calcutta. Some estimates for Bihar were higher. The Sub-Divisional Officer of Bihar estimated the earnings of the lower classes over eight months in the year, taking into account the employment opportunities at the harvests at 2 annas per diem, or four rupees per mensem.<sup>56</sup> This seems to be on the high side. In any case, employment was always uncertain, and because of the problem of unemployment, there was hardly any disparity in opinion about poverty in the North Bihar districts.

A third factor did not much influence wages, namely the value of local production. Some areas produced a good amount of rice, especially Madhubani in Darbhanga and Sitamarhi in Muzaffarpur. Moreover, the value of the *rabi* crops was much greater in Saran than in other districts. But these differences hardly increased the wages of the labourers in these areas. This fact is related to the failure of wages to reflect the increases in the prices of commodities.<sup>57</sup> It is true that figures available from the Bengal Administrative Reports (as well as in the tables given above) suggest that wages did start rising in the agricultural sector after 1880 and in 1883, in Patna Division, though they remained lower than in Bengal. For example, in Muzaffarpur, wages were 30 percent higher in 1900 than in 1873; over the same period prices had gone up by only 15 percent. By 1910, however, wages seem to have fallen again to between 2 and 4 annas a day, while the prices of essential commodities had not shown any decrease.



Table 12

Table showing wages in cash and kind in various districts of North Bihar: Wage Census 1910

In annas and paisa

Districts	Cash	Kind
-----	----	-----
Saran	Anna 2 to 2 - 6	Anna 2 - 6 to 3 - 9
Champaran	Anna 2 - 3 to 3 - 0	Anna 2 - 3 to 3 - 0
Darbhangha	Anna 2 to 2 - 6	Anna 2 - 6 to 3 - 9
Muzaffarpur	Anna 2 - 6 to 3 - 6	Anna 3 - 6 to 4 - 3

Source: Bengal Revenue Proceedings May 1910,

Nos. 7 - 8, wage census 1910

Labour remained cheap in the North Bihar districts. Some of the forces ensuring this situation will be apparent already. At first the high rates of rent in force in Bihar and the arbitrary methods of enhancement, must have increased the burden on the occupancy raiyats. If their condition was weakened and they began to hold land at competitive rates, they were bound to pass on the pressure, brought on them partly through caste distinction, to those even lower than they were in the society. But the Bengal Tenancy Act of 1885, which promised for the first time to preserve occupancy rights, was intended to prevent cultivators who held land from sinking to the lowest position. It was intended to preserve the distinction between them and the landless. It contained no provisions to secure the rights of labourers and few in regard to tenants-at-will. Accordingly, <sup>the</sup> record of rights, under the Survey and Settlement Operations in the 1890s and the beginning of 20th century and the later Revision Settlement Operations, looked only into the problems of raiyats in relation to the land owners, questions affecting rates and the land revenue. The same was true of the Tenancy Act Revision in 1907. These measures hardly made a major contribution to the amelioration of the condition of the lowest layer of agrarian society. We have noted too that the officials had no effective answer to the poverty of the lower classes, for all the anxiety that was expressed by the investigators. By the late nineteenth century the increased

population was bound to create a demand for land on any terms. This was always a source of danger, not only to the poor but to the superior cultivators and the controlling class, and indeed to the law makers. But the officials helped only the better-off; the poor were left without special assistance, as they multiplied beyond the means of subsistence.

Moreover, according to the usual economic theories, cheap labour reduced the incentives for improved productivity. Certainly, indigenous methods of cultivation remained little changed, even though new crops were cultivated. Except for some reduction in the cost of irrigation from *kuccha* wells and from streams, technological development was not prompted by the production of cash crops. The Triveni Canal was the only innovation for the production of indigo and for the sugar industry which later spread over the North Bihar districts.

The major issue however, was the nature of the labour market in Bihar, or rather the effective lack of a market despite the rise of commercial crops and the distribution of the labour force between various sectors both inside and outside Bihar. Labour continued to be controlled by zamindars, *thikadars*, indigo planters, and village *mahajans*. Outside Bihar too, the government was interested in the utilization of a cheap labour force for industrial and commercial centres in Bengal, and for the expansion of cultivation in the colonies. Social and demographic influences ensured that such a labour force was available. In such a situation the market in labour was only marginal. In villages, when scarcity of labour was felt, a competitive market was created. It existed as we have seen, at harvest times and because the numbers of labourers differed from district to district. But in a society in which upper castes would never work in the field, caste dominance was a major determinant factor in utilizing the labour force. It is a fact that the additional seasonal demand was mostly satisfied by hired labour, as keeping permanent labour was not profitable to the cultivators or planters. In such

circumstances wages were important. But otherwise people who were effectively domestic servants sufficed to meet the need for labour in big proprietary estates and in villages. There were contractual labourers, both short term and long term, in indigo areas. They were also utilized for harvesting. But on the other hand, most labour was still controlled through social subservience and this affected the condition of labour in general. A wage labourer might work all day, and at the end wait for his wages, only to find that he was not paid in full. Slavery as such had almost disappeared, but instead the form of bondage had changed. By the last decade of the nineteenth century, half the labour force was tied through social custom and tradition, and the other half, ostensibly free as casual labour, was largely subject to the same social coercion. The pressure of high caste influence thus reduced the competition for labour in many areas. Labour was obtained through a personal relationship. *Begari* was beginning to be challenged by the end of nineteenth century, but zamindars, tenure holders and rich peasants still thought that it was their customary right. It was a kind of mutual social and family obligation to some extent and was practised by the higher castes in order to maintain social prestige. Most of the customary rights of the zamindars and tenure holders had been absorbed in their legal rights, some practices were declared null and void, in the eyes of the contemporary law. But customary practices remained. Nor did the British intervene in this matter: free service as *begar* was not regarded as a crime. Very few instances can be found in any court proceedings which took any notice of *begar* or when a labour<sup>er</sup> approached the court for legal redress. On the other hand, it came to be accepted that labourers were paid even if they worked under a *begari* relationship.

In nineteenth century Bihar there was then still less a competitive labour market than labour relations based on local influence and caste dominance; it was only slightly qualified by administrative control and seasonal demand or by the movement of labour from one district to another. At best, the rise in agricultural prices in comparison with wages and the government's policy in introducing new opportunities for labour

may have begun to make the labourers realise that they had an important role to play in production.

### The late nineteenth century: rising demand and captive labour

The British land system operated through a colonial view of hierarchy encouraging their property law and other administrative measures. Even in their measures to combat poverty, they did not really challenge the social hierarchy based on caste. Thus it was that the expansion of trade, while apparently offering new opportunities for labour, merely intensified its subordination and poverty. It was a case of rising demand and yet captive labour.

Under the impact of British rule and the developing international economy, labour in Bihar thus became even more oppressed, while demand <sup>c</sup>~~k~~ increased. It was true of course that new industrial employment in the later half of the nineteenth century did not provide opportunities to match the previous growth of population, but there was certainly overall a growing demand because commercial crops needed more agricultural labour. The effect was also a hardening of the control over labour, in this sense as a defence against change. Naturally, the external demand tended over time to become permanent rather than seasonal. People coming to industries from agriculture had to be trained. While rail building needed labourers on a temporary basis, transportation needed labourers throughout the year. To some extent the transition to permanent employment was encouraged because wages were higher than for manual labourers working in other sectors. Indentured labour also tended to be more or less permanent, involving as it did emigration to the Caribbean Islands, Mauritius or Africa. But it had been the relative cheapness of the labour from Bihar which made it attractive in these new situations, and thus it remained poorly paid even after migration.

The important factor in continuity to make the labour available was that so many had no power of subsistence, or needed to repay debts or meet obligations. The same was true for labour in regard to commercial crops in North Bihar. We will consider in particular the question of indigo. The fact

that labour in North Bihar was cheaper than in other areas of the Bengal Presidency kept alive the indigo industry of Bihar. Yet the *thikadars* and the agents of indigo planters complained about the scarcity of labour, especially in *zirat* land, in Champaran, Muzaffarpur and parts of Darbhanga. Foley, in his report, mentioning such complaints, considered that the work of the plantations suffered as a result.<sup>58</sup> Why should such scarcity have arisen in Bihar but be met in Bengal by the importation of labour, from Bihar or Chotanagpur? The reason was that labour in Bihar was exploited by the *thikadars* and indigo planters, and that they could not conceive of the alternative of a market for labour. In this they were encouraged by the fact that there was no shortage of labour in reality. The planters had difficulties partly because of peak periods of demand and probably also because, given the low wages and the poor returns from indigo cultivation, the cultivators and their labourers preferred if possible to devote their time to food crops.

The planters' agents cultivating the *zirat* might have to compete for labour against the demands of a rich peasant or *malik*. Certainly the indigo industry's demands for labour was considerable. The Settlement Office of Muzaffarpur estimated that indigo needed over three times more labour than the rice crops; it needed 172 labourers per acre, in comparison with *aghani* rice which needed 36, or even tobacco (100), poppy (100) and sugar (80). In addition, indigo was more expensive to manage. Its establishment included a band of *thikadars*, *chaukidars*, *muharrirs*, *tokedars*, ploughmen, *malis*, *badhais*, masons, thatchers and grass cutters. Many of these employees were permanent, and in addition to the usual labourers needed at the time of sowing and harvesting.<sup>59</sup>

Indigo cultivation, therefore implied a level of investment far greater than that provided for food crops by *maliks* or rich peasants. But as an important commercial crop it was also given priority.

The consequence of this situation was that the indigo planters found it easiest and safest to sacrifice the interests of the labourers. The existing social and economic compulsion had made labour available at a cheap rate in the normal agricultural sector and advantage was taken of the same conditions to secure a cheap supply for indigo. Several factors perpetuated the subservience of labour. First, there was little idea among the labourers of leaving the food-producing sector and joining in commercial production. Any shifting of unskilled labour from one sector to another was under the control of *thikadars*. Secondly, there was a tendency for indigo to drive out other options. One cannot agree with the notion, put forward by Stevenson-Moore, among others, that planters provided employment only during slack periods of the agricultural year.<sup>60</sup> In a free situation, the answer to security and underdevelopment would have been to expand the double cropping of *rabi* and *bhadoi* crops. On the contrary the planters deduced<sup>t</sup> the subsistence support available from cultivator's lands, and this meant that they were bound to shift to indigo.

Why did the planters not try to attract labour by high wages? In the North Bihar region, indigo plantation was the only major manufacturing industry which competed with agriculture for labour. Though cultivated on a mere ten percent of village land, it diverted a far larger share of effort; at certain times of the year there was keen competition for labour.<sup>61</sup> The alleged labour scarcities were felt during ploughing, sowing and harvesting when the needs of indigo clashed with those of the *bhadoi* or *aghani* crops, generally that is, in February, June, September and October. Specifically, though the patterns differed between the northern and southern parts of the districts, wage labourers were much in demand in September and October for *bhadoi* crops, in December and January for *aghani* crops, and in February and March for *rabi* crops. Indigo thus competed with different staple foods. Rice needed labour first for transplanting and then for the harvest. In Muzaffarpur,

Darbhanga and northern parts of Saran and Champaran transplanting occurred in June and July. In Darbhanga the rice crop was most important; in Saran and Champaran, the competition was more over the *bhadoi* crops which were more important for subsistence than rice, especially in the southern parts. In Muzaffarpur, where the *bhadoi* crops were less important, the demand for labour by *thikadars* and planters was greatest from October to December when the *rabi* crop was being prepared and ploughmen were needed. The conclusion is that in a normal year there were periods of intense activity and periods with little work, which differed from place to place. Thus preparatory work might provide much employment from May to October while the period between November and March offered little work other than some late harvesting of *bhadoi* crops, and then, in January and February, the cutting of the *aghani* crops.

The seasonal pattern thus made it more important for employers, indigo planters included, to maintain a hold over labour. In the north the indigo factories were able to maintain this hold by providing employment, from the beginning of its season, where three harvests persisted. In the more southerly tracts in Saran and Muzaffarpur, where the indigo demand was smaller, the management of labour was still in the hands of *thikadars* who kept wages low.

There were minimal obligations in such a system designed to allow labour to survive. The indigo planters were said to provide relief during famines. The Collector of Champaran argued that labour survived because it was provided with land from the indigo *zirat*, when the season was unfavourable for the cultivation of indigo. In the same way the harvesting of indigo did provide employment before the second half of September when the *bhadoi* crops were ready. But the key feature was the bonding and exploitation of labour, which seasonal demand also helped. First, the labourers tended between harvest to take loans from village *mahajans* on the security of their future earnings. For such debtors, indigo work was often the only means of surviving.<sup>62</sup> Secondly, to the extent that it is true, as A. P. Macdonnell claims, that planters provided employment

during slack periods, it was also true that planters could, therefore, get their labour at first without competition. They could begin the relationship in a situation of exploitation.<sup>63</sup> This is a quite different conclusion, though from similar observations, from the one implied by Foley when he claimed that planters utilized labour only when it was not being used for country crops.<sup>64</sup>

Generally, there was the potential competition for labour between indigo and other agricultural production. For this reason the social and economic controls over labour, as over the poor cultivators, were exploited competitively. Physical force was used, and the local influence of *thikadars* and *maliks*, and behind the whole system lay caste.

#### Housing and health as indicator of poverty

The general dwellings and houses of the agricultural labourers and cultivators in Bihar were built of thatched mud and with wood for roofing, covered with tollies, locally made by *kumhars* (potters). The architectural design was quite simple. The cost of construction was also low. The houses could be said to have been primitive. The rich farmers and proprietors built brick houses but still used bamboo and jungle woods for roofing covered with tollies. The professional brick layers and thatchers were assisted by daily waged labourers drawn from agricultural workers; they helped with the building of houses at nominal wage rates fixed or prevalent in the villages.

The ordinary clothing for men was the *dhoti* and *gamcha*. Hand woven clothes including *saris* for women were used until gradually superseded by milled clothes. The cost of a *dhoti* was one rupee, almost the same as the price of a *sari*. In Bihar a *rezai* or quilt was added to the wardrobe for winter use. English piece goods were commonly used by those living in cities in the later nineteenth century, but the labouring community could not afford to buy them, or anything that was costly except needles, the most essential item for sewing their torn clothes.



The general food habits of the lower classes in the districts of North Bihar were equally simple. They ate *makai* (maize), *marua*, *jowar*, *bajra*, other millets, sweet potatoes, *khesari* (a pulse), *kurthi* (another grain), and wheat bread, gram, varieties of vegetables and occasionally rice when they could afford it. The morning meal would be parched grain - *makai* and gram or any ordinary food such as cooked sweet potatoes or *roti* left over from the previous night. At noon, <sup>the</sup> ordinary labourer would be provided with bread made from different grains, preferably *makai* and *sattu* (well-parched grain ground in a domestic stone mill). Several grains and varieties of pulses which were also available locally were categorised as a superior quality of food which could be eaten with rice and wheat by richer cultivators. Only they (or their betters) could afford to eat *ghee*, milk, meat, and fish. In ordinary years two meals a day were mostly available to the lower caste labourers, though British inquiries suggested that at least three meals a day were ordinarily required for the strength to carry out manual work. Moreover, the quality of the food of agricultural labourers was generally not good in comparison with those working in factories and mines. The diet of labourers as well as village artisans, was among the worst. Not only well-to-do cultivators, but prisoners and labourers on official allowance appear to have eaten more wholesome and nourishing food. There was some dispute over this. The Commissioner of Patna suggested that a poor labourer's food both in quantity and quality was above what was required for the official allowances.<sup>65</sup> But the jail medical superintendents in North Bihar mostly reported that the poor classes admitted into their jails had been underfed in their homes. Analysis of the figures and reports submitted by them showed that in all 3857 cases chosen for investigation the prisoners were in a poor condition. Some of them were actually in a worse condition, especially those coming from the lower castes, than in previous years: the standard of health among the prisoners at the time of imprisonment was gradually declining and the proportion in bad health was growing. Many other reports also indicated

that the poor suffered from malnourishment and insufficiency of food. The jail records are not of course absolutely conclusive. It may be that prisoners put on weight in jail because they were eating better, especially given that prisoners had to work, but it might also be that weights often started unusually low because of physical harassment and mental anxiety before sentence. It was not uncommon for the lower classes of criminals to be physically tortured. The scarcity of food for labourers in villages was always felt and normally they ate such an ordinary food in normal years that there appear to have hardly any possibility of their getting good food in jails. After all they were taken as convicts, therefore, they were treated as criminals. It is impossible to know what the prisoners' normal condition was; and it was not quite satisfactory merely to compare the admission weight of the poorer classes with a standard taken from the admission weights of prisoners of the better classes. One can not thereby account for personal characteristics, physical development due to special labour, and other influences at work. Yet the prison records do carry conviction in conjunction with other impressions of the conditions of the poor. It is significant therefore, that the Bengal Inspector General of Jails, A. S. Lethbridge, considered that in Bihar in the worst districts, Muzaffarpur and Saran, and in parts of Darbhanga and Champaran, some people suffered from a constant insufficiency of food, especially those who earned their living by daily labour.<sup>66</sup> The under-nourishment and bad health of the lower strata of society appeared to be vital issues from the medical point of view.

British officials also approached this question in terms of the supply of food at the disposal of the lower classes, particularly between harvests. Here too there were some difficulties of analysis. It would have been simpler if the problem had been merely in the size of the population and the cultivated areas, that is, if the production had been distributed equally throughout the society. For example the Commissioner of Patna Division made a scale to

measure the comparative distribution of food between the population of towns and villages. The assumption was that the villages were areas producing food for their own consumption and that towns were not. Hence the density of the town population was thought to be irrelevant. But the towns were not industrial in the 1880s or 1890s, especially in Bihar. Those living in them included an urban middle class and a lower class of artisans, office attendants and domestic servants. Many still depended directly on agricultural production as absentee landlords. Even the educated classes were often connected with the villages and dependent on agricultural production from their paternal property. Hence the towns' call on the countryside for food was different and even greater than was supposed. More than this the towns underline the unequal distribution of food. The city dwellers took a share of production not only through their consumption but as income. By the same token any calculation from the ratio of cultivated area to the population drawing an average conclusion as to the comfort of the people, would be misleading. Needless to say the rich and poor lived in different styles. Yet the officials made assumptions about food consumption in general; the Commissioner of Patna said that the rich ate little more food than the poor. But he did not say <sup>anything</sup> about the quality of food consumed by them. Food grains were grown both for local consumption and for export outside the districts. The assumption made by the Commissioner seems to have been that grain which was not exported should not be measured as property. No doubt wealth was not gauged by the quantity of food which was eaten - provided one ignores the distinction between experiencing plenty and having barely enough to live on. But nor was it safe to assume that all grain which was not exported remained at the disposal of those who produced it. To believe this is to fall into the error of assuming that exports resulted only from surpluses grown by those who had larger than average holdings. On many of these, non-food cash crops were grown, so that they produced less food grain than smaller holdings. But the smaller holdings were not thereby subsistence food producers. It has been

remarked that grain was the major store of wealth in Bihar.<sup>67</sup> The food grain which was not exported was not all retained by the agricultural classes and labourers who produced it. Much of it entered a local market economy being sold in village *hats* where prices were based on the rates for exports. Hence the quality and price of exported food grains affected wage earners directly. Much grain too was stored by rich farmers and *maliks* and paid out (or lent) to poor agriculturists and labourers.

Moreover, a major exchange, for the poor, was of high quality rice or other valuable crops, in return for inferior ones. As said, the lower classes, unlike the rich, ate *marua*, but they paid their rent and met other needs and obligations in cash by selling rice. Thus rice was exported both from those without any surplus and by those who produced more than enough to earn a profit. The rice which remained in the localities was not spread throughout the population who needed it for consumption. It is probable too that the spread of the market economy and of competition to the village level increased the extent of this inequality. It opened the way for village merchants, *baniyas*, and rich peasants to store rice and other crops in order to sell them at high prices, for example during scarcity.

It follows from this that the standard of living in an area could not be measured by comparing the population, cultivated areas and exports. Large scale exports did not necessarily mean over-all prosperity, but nor did a favourable land:man ratio in the absence of exports. The exact number of households living in bad conditions could not be ascertained by these means. The export of food grain did not mean that food supplies were sufficient in the locality. It is well-known that instances had been found when food was exported in times of scarcity to other countries, as well as the export of raw materials in exchange of manufactured goods, since 1858. Such roles were facilitated by development of transport and communication, railway and opening of Suez Canal in 1869. The export of

food grain and raw materials put pressure on the internal market economy of rural society and eventually a great strain on lower classes of population. ' Moreover, imperial trade interests would welcome a crop whose growers could be pushed by market forces to bear a heavier burden of periodic slumps<sup>ee</sup>'. Conversely even a large importation of food - such as the coarse grains drawn in from adjoining districts to areas experiencing scarcity—did not prove that supplies were universally available. Much depended on methods of distribution (which was notoriously mismanaged), or on purchasing power. One could hardly expect justice to prevail in this respect in North Bihar.

These arguments qualify without removing the importance of demography, parallel to the suggestions already made on population and the condition of labour. The Commissioner of Patna tried to estimate an average outturn of food which would be available to a family for subsistence. His examination was based on the method of A.P. Macdonnell's inquiry at the time of famine in the early 1870s, on the basis of population densities in different districts. Results are shown in the table:-

Table: 13

Distribution of persons per acre in the districts of Patna Division:

District	Persons per acre
Saran	1.36
Muzaffarpur	1.3
Darbhanga	1.3
Patna	.91
Champaran	.76
Shahabad	.7
Gaya	.7

Sources: Dufferin Report

The purpose of such calculation was ostensibly to gauge the degree of hardship in different areas; by this measure. Saran experienced greater pressure of population than any

other district. A similar calculation, contained in the Duferin Report was of the area of land needed to support a family. It was estimated at 4 acres for a family of six. The calculation was based on the estimate of the Commissioner of Patna Division who followed the reports submitted by the district officers and other agencies. A formula could then be worked out from the distribution of land and production according to the size of population, which purported to show the level of comfort among the people. What seems a sensible idea was, however, designed by the government to minimise the general idea of poverty among the masses. [It did not reflect the reality in North Bihar, with its victims of natural calamity and local tenurial conditions, under the land and the proprietors. The attitude of the government was ~~towards~~ maintaining the disparity in the land tenure structure too.

Another assumption was that two thirds of a seer of food (16 chitank = 1 seer;  $\frac{2}{3}$  a seer = 10 chitank) was required daily for each man, woman and child. It followed that the outturn of one acre (10 maunds) was necessary to support a family for a year. As this estimate happened to be the average amount of cultivated land per person in Patna Division, it too was an ideal device for the government. But obviously no serious conclusion can be drawn from it, unless it is to emphasise yet again that the lack of access to land on the part of the lower classes was a major cause of poverty in Bihar.

Measuring the quantity and not the quality of food was another way in which realities were smoothed over. The reports of jail superintendents claimed that a labourer need one seer, four and half chitank of good food to maintain the ability to work; other officials' inquiries in the villages suggested a higher figure. But not only did the labouring classes often have insufficient food; the food they did eat was of poor nutritional value.

One official summed up the situation of the poor thus: 'Their fare is of the very coarsest, consisting to a great extent of *khesaridal*, and the quantity is insufficient during a considerable part of the year. They can only take one full meal instead of two. They are badly housed, and in the cold weather insufficiently clothed. The condition of →

those who support themselves entirely by labour is rather worse than that of the better class of petty cultivators'.<sup>69</sup> The description was of Patna district but applied generally in Bihar. It raises one further point: the distinctions among the petty cultivators and between them and the labourers. Among the population there were differences of living standards as of status, just as there were between land holdings, and the differences reinforced other distinctions. There was a world of difference between four acres of poor dry land, and four acres fully irrigated with plenty of seed and manure. In a normal season the latter would be regarded as a rich source of agricultural production. Hence broad general categories and assumptions missed not only the extent of disadvantages, but also the ways in which poverty reduced opportunities as well as comfort. An illfed man, for example, was likely also to be weak or sick, with his earning power diminished. Official calculations about Bihar - unlike the officials' observations - meant that definite conclusions could not be made about poverty: the exercise reduced the government's sense of urgency.

#### Trends and comparisons:

In 1900 and subsequently, the lower classes of the population were still bonded to the higher in Bihar inspite of the abolition of slavery by law. The basis and degree of subservience varied between different parts of Patna Division. Was the situation in North Bihar worse than elsewhere? The general enquiry into the condition of the lower orders was based on a comparative estimate of the conditions in Bengal, in the seven districts of Patna Division, and in Monghyr and Bhagalpur. It was noted that the condition of the working class in Bihar was different from that in Bengal proper. There was chronic poverty in the Lower Provinces, especially in Bankura and Midnapore. In these districts, the rate of daily wages was said to be three annas, with employment available locally for only six months of the year. "It is stated", the report went on, "that about 10% of the population have only one meal a day,

and although no great reliance can be placed on this estimate, it is probable that the condition of the people is decidedly inferior to the Bengalis generally". The poverty in Bihar often matched this, but whether it did or not, it may be seen to have been distinctive in character. In Bihar the gap was wider than in most of Bengal between the condition of the upper and middle classes and that of labourers and the smaller cultivators. There was very little waste land in Bihar, except in Shahabad and Champara<sup>70</sup> But then in many parts of the Bengal Presidency, the smaller cultivators did not have sufficient land to support themselves comfortably. In Bihar however, it was found also that "renumerative employment was not readily found... for the time the ryots could spare from their own fields". Moreover, rents were comparatively high in Bihar and raiyats had less security of tenure. Looking eastwards from Bihar, one found areas where labour was more in demand, either because of towns and manufacturers, or because (as in Rangpur, Dinajpur and Purnea) endemic disease and <sup>an</sup> unhealthy climate kept the population low. In the latter areas, population did not rise to the point at which it would press unduly on the resources of the country. Looking ~~westwards~~ from Bihar, one finds areas under rice cultivation which according to Foley, had a lower density of population, but also less subsistence power than the congested districts of Bihar.<sup>71</sup> But in those areas, if one considers the land-tenure system, one finds that the cultivating community was often better off than the cultivators and labourers of Bihar. It may be also, as we have seen within North Bihar, that labour was more enterprising in some areas than others: the people of Ghazipur, Azamgarh, Ballia, Banaras, Jaunpur, Allahabad and Mirzapur were preferred for industrial work and mining in Bengal in the first instance over workers from Bihar, and comparatively those labourers seemed readier to take risk than the labourers of, say, Saran.

There is any case no doubt that the condition of the labouring classes in Bihar was among the worst in India, and there are some indications that it was deteriorating in



North Bihar, even in ordinary years, in the later nineteenth century. Mr. Collins, the Settlement Officer of Bhagalpur, while making a micro-survey of two villages in Duphor pargana observed that there was no prosperity at all among the lower classes including the weaving class, that is, for 25 percent of the entire population in those two villages. He further observed that there was little chance of improving their conditions. At least they themselves <sup>had no</sup> means to improve it, for even if there was <sup>no</sup> scarcity, they had "no resources to fall back upon".<sup>72</sup> The same picture was presented by Dr. G. A. Grierson, when he was collector of Gaya, though he considered the condition of lower classes more precarious in Gaya than other districts of Patna Division. His estimate was that forty per cent of the population was insufficiently fed.<sup>73</sup> In fact, however, Grierson's lengthy and detailed report, (dated 2 June 1888) on the lower classes of pure cultivators, labourers, artisans, and those who lived on charity, revealed a situation which was more or less common to the districts of Bihar. Gaya could be taken as a model. It is true that a report by Bourdillon found people in Gaya, especially in Jahanabad sub-division, the poorest in Bihar.<sup>74</sup> But, on the other hand, when Grierson's report stirred up a political storm - there was a debate on the issue on 6 June 1893 in the House of Commons—and the Government of India was compelled to devise a reply, its basis was partly that Gaya was not worse than the other districts of Bihar. Stevenson-Moore's report submitted to M. D. Macpherson, the collector of Gaya, on 23 August 1897,<sup>75</sup> argued those points, but it seems only to have been true at particular times—for example when Gaya did not suffer more due to famine, than North Bihar in 1897. However, qualified by bureaucratic and political disclaimers, what Grierson's report revealed was that scarcity of food and a system of bondage were the main features of precarious condition of lower classes (especially *Kamias* in Gaya) in Patna Division. The condition of people was bad not just because of famine and certain natural calamities, but because of the disparities in distribution of land and in social and economic control,

and the lack of government initiatives to redress their grievances. Moreover, the evidence that the situation was worsening was supported by Stevenson-Moore himself in the Muzaffarpur Settlement report. His verdict on Gaya is after all a good summary on the position of the poor in Bihar: "the labouring classes, both in North Bihar and in Gaya are miserably poor and the pity is that in Gaya a hidebound custom has condemned the more degraded of them to a poverty which could not exist under the operation of economic laws: for the demand for labour is very considerable while the supply is not excessive; yet numbers for the sake of a few rupees sell themselves and their children into miserable bondage".<sup>76</sup>

This debt bondage may have been the perpetuation of an old system in a new form. It may be that the later nineteenth century saw the beginning of a change of emphasis in the basis of the relationships. Grierson's view was that, in an ordinary year, most raiyats were unable to support themselves and had to depend on borrowing. In some senses this had always been the case, from one harvest to another. But indebtedness was also increasing and involving wide sections of the community; it may have been becoming a more important element in the system than in the past. Borrowing from one harvest to the next continued even—perhaps especially—among those who did not have any source of income to pay off the debt. In a system by which, in normal agricultural seasons, cultivators received advances from *mahajans* for ploughing land and sowing seeds, any failure to pay their debts with interest would become a way of bringing the peasantry down to the lowest ebb and keeping it there thus in effect swelling the number of poor, unfree labourers on the land.

The superfluous class of population grew for both sociological and demographic reasons. Population pressure was not the only factor; rather the changes in tenancy law and in the economic order created a situation in which agricultural labourers were ignored and the distinction between haves and have-nots was widened. The British were

partly responsible: they paid no serious attention to a large section of the population which played an important role in agricultural production in Bihar. Thus from the mid-nineteenth century labour controllers took advantage of compulsion, whether economic or non-economic, to utilize the labour force for capitalist economic development.

The measures adopted by government in the late nineteenth century were not systematic. Though remedies were brought forward in the reports of various committees and commissions, often the officials merely hoped that industrial advancement would give relief to the agricultural labourers. In general, the mounting pressure of population on land, in the absence of industry and unaccompanied by any change in the method of cultivation and social organisation, made the land scarce and human beings superfluous.<sup>77</sup> The district officers were highly plausible in presenting the evidence of poverty, but their essential explanation for it was the burden of population on the soil. This image of Bihar hardly sufficed. The population was dense (though even in 1921 only one third of <sup>the</sup> present day population), but the agriculture was highly developed, providing food for other areas during famines. The reason that the area seemed unable to support the needs of the masses was to be found in the hereditary extractors of surplus and the dominant social classes.

During the nineteenth century the English notion of social classes, focused on property and categorised at various levels in the tenancy laws, provided in the Indian context additional strength to the dominant class. The lowest strata of society had no assets recognised in this view of the world. These people were available locally, they could also be compelled to migrate in search of livelihood from one place to another. Thus, in this period, waste land was brought into cultivation in various districts and cultivation was intensified, but of course the landless labourers got no share of the land. When calamities struck, a majority of the agriculturists suffered, but the most

grievously affected, were always the lowest class of agricultural labourers who had no resources in reserve. And not only were they under-privileged and at risk, but they were looked down upon and regarded as an unproductive element, in current British and Bihari notions, because they held no land and paid no rent. Nor did they themselves imagine that they could obtain the right to hold land. These conditions were reinforced, not removed, by the changes of the nineteenth century—by the worsening man:land ratio, by commercial agriculture, by the new agricultural settlements in more marginal lands<sup>79</sup> and even by <sup>the</sup> growing demand for labour in India and abroad. 53

The two phases of colonial rule; firstly the East India Company's monopoly, which came to an end in 1813, and secondly, the open-door policy of free trade under the conditions of colonial control—created an internal economic network dominated by industrial capitalism. The characteristic, a debatable phenomenon of under-development, implied that the industrial growth of the region was neglected on the pretence of the inappropriateness of the existing social and climatic conditions.<sup>79</sup> It was as if the impediments to industry were such factors as early marriage, low employment, the family system, and old traditions, and that these features explained the inability of local industry to match the increase of population.<sup>80</sup> Nonetheless in North Bihar possible effects of industrialization were over-shadowed by the actual results of the commercialization of agriculture and the development of revenue records. The economic evidence shows that the demand and value of agricultural production (including traditional crops) increased greatly, along with the growing population. But the benefits of this agricultural growth were unequally distributed in the society. Land, having become a private item of property, then became more and more valuable. The landless fell back even further from the prospect of gaining property rights. The existing features of under-privilege

and domination, already reinforced by a growing population and unfavourable conditions both in society and in land, were further increased by recurrent effects of famine and by the augmentation of market forces. The increasing role of merchants, and money-lenders, and also of debt owed to social superiors within each village, reinforced the misery of poor people and increased their number in the late 19th and early 20th centuries.<sup>81</sup>

## CHAPTER VI

### CONCLUSION

The structural changes in economy and society give us a broad idea of transformation viewed in the empirical context of the nineteenth century. The transformation in relations of production affected the rural structure and led to the expropriation of the peasants. It also accelerated the incapacity of the majority of population dependent on agriculture, resulting in poverty, and their full dependence on the controllers. At the same time, we find lack of interest by the dominant class in agricultural development. Their involvement in the appropriation of rent and profit by means of money-lending and in investment in rural credit was a rather retrogressive force. It also brought down the level of improvement of technology and the productive capacity of the land. The growing rate of population could not sustain the burden of expropriation, and agricultural unemployment increased.

The emergence of a dominant class and its situation within a hierarchical order was not only an indication of the development of landlordism, but also constituted a constructive and significant phase in the emergence of a capitalist class. The development of the market economy together with political, cultural and foreign rule brought about a transformation in the whole of agrarian society. These changes did not however result in the modernisation of society. Rather, the 'survival of the fittest' in society continued. The notion of modern law and its application to traditional society, and the legal regulation of land resources were important in the history of nineteenth-century agrarian society. The concept of 'land to rule' and the idea of income which mainly concerned the Indian rulers was also in the minds of the British administrators. The ideas of legitimate authority and even of absolute right in land were very much present in the Indian villages, and just as the Mughal rulers had collaborations so too did the

British. What the British did was to take the hereditary property right and absolute power which had emerged common to English and Indian zamindars, and recast them in a legal framework in the 19th century. The foundation was the Permanent Settlement; but by the last decades of the century a band of intermediaries, *maliks* and rich peasants, tenure-holders and petty zamindars, was found to be growing. At the same time there was an acceleration of wage labour and landlessness among the poor, which resulted from the social hierarchy and tenancy laws. A distinct group of people was monopolising the fruits of production and controlling the reproduction of agriculture.

Two important aspects of production which need to be emphasised are the maximum extraction of surplus and the utilization of the labour force. It is necessary to concentrate on the general mode of production in the colonial context with the relations and forces of production' to articulate them in the overall social structure and correlate them with agrarian policy. None the less it was social dominance which was most crucial for the understanding of the economy and of the depressed classes of the Bihari region. After all, as in the transition from feudalism to capitalism stressed by Maurice Dobb, the whole social structure naturally signified the trends of historical development.<sup>2</sup>

This thesis has tried to discuss the various aspects of landlord-tenant relations, their classification, and the role of various elements in agrarian society under the tenancy laws in the most productive \_\_\_\_\_ of the North-Eastern regions - North Bihar. Examination of the subject has been based on a perception of the pre-capitalist society and on the transition from the traditional caste-based feudal order to the capitalist economic order of the era of British rule. The pre-capitalist economic formations were characterised by systems of hierarchy or '*varna*' (ranking) and based on the direct appropriation of surplus, on coercion and servitude. The development of the capitalist system, meaning the growth of the market economy,<sup>3</sup> the commercialisation of agriculture, and nineteenth-century law, merely made the existing caste-

based society more intricate. The pre-eminence of the landlord was not wholly a product of the colonial ruler's tenurial structures and their persistent pressures upon the tenantry, but it was assisted by his vested interest in the expansion and commercialization of the economy in the later half of the nineteenth century. The competition for new markets and the production of commercial crops, and even the growth of transport and communications, all helped to reinforce the position of the zamindars.<sup>4</sup> It has not been the intention of this thesis to fully discuss the commercialisation of agriculture, but it has been concerned to assess its influence in relation to each group of the producing classes, to the existence of the majority of 'subsistence' farmers, and to the incessant growth of the number of agricultural and landless labourers. The lower classes were linked in their origin with their servile status in the caste hierarchy. In a capitalist and commercial mode of production they were thus doubly exploited, as lower castes and lower classes. In British eyes and in local perceptions, they were considered unproductive from the point of view of rental income as well. Among recent observations about the condition of the landless labourers, Dharma Kumar has emphasised that, whatever the impact of British imperialism, the structure of Indian society with its very high incidence of landlessness can be traced to slavery as a long standing institution; she holds the 'orthodox' Indian nationalists as well as the Marxists responsible for a distorted interpretation.<sup>5</sup> One could partially agree with her view of the importance of the structure of the society. But on the other hand, I have also emphasised the impact of the growth of market economy and commercialisation of agriculture, and to some extent endorsed the ideas of Surendra J. Patel when he alleges that the British were responsible for the creation of landless labourers.<sup>6</sup> But this too is incomplete or misleading. It seems to be the case, as Utsa Patnaik claims, that the numbers of the servile classes, of paupers, artisans and other lower agriculturists, were increasing as a result of trade and economic policy which forced them to engage in agricultural labour.<sup>7</sup> But what was more important was the local control



which immediately affected ~~the~~ labour, and the continuing oppression by the dominant class. In this respect, the role of law on the prevailing social structure seems to be the crucial factor.

Tenancy legislation tried to streamline the agrarian system on modern lines as a two-tier social hierarchy based on the English principle of landlord and tenant. It did not help the peasantry as a whole or the lower orders of the society. The Bengal Tenancy Act of 1885 and later the survey and settlement operations did not solve the problems of the poor but rather made them more complex. The idea of economic equality never occurred to lawmakers. If remodelling the social and economic structure had been the motto of tenancy legislations it would have been necessary to protect the land rights of the majority of the producing classes and to reduce the large gap between haves and have-nots. But the legal categories and economic goals of the British were established only for certain classes of people in India and these were not made into functioning social groups. Henry Maine had made it clear in 1861: the imperial policy was to encourage the movement from 'status to contract'. He thought that the family obligations by which the Indian community was distinguished would gradually be dissolved in the face of the growth of individual obligations.<sup>28</sup> The legislation was therefore ultimately about personal control of land, and the destabilizing of the rural structure of Indian society, however much the rhetoric was of stability and protection. The picture that emerged was of a powerful zamindar and landed aristocracy on the line of <sup>the</sup> English system, not so strong that it could withstand altogether the demand for change, yet strong enough to vitiate <sup>it a</sup> in a particular term. The protection of tenants was little more than nominal, while the dominant position of the landlord permitted him to manipulate the most well-intentioned tenancy act to his advantage. Indeed, to a whole complex of extra-legal exactions, physical as well as financial, was added resort to the damaging process of litigation; all were to maintain landed privilege and discourage the realization of tenant rights.<sup>29</sup> The situation

in the North Bihar districts was thus, in a sense, a dual government, of state and landlord controlling the society and economy.

The power of the zamindars ensured high rates of rent. The superior legal power, both old and new, was reinforced due to <sup>the</sup> increase in the cultivation of land, despite the record of rights and the occupancy rights provided to a section of raiyats. These measures strengthened the economic position of the zamindars, but also of allied groups. The intermediaries also grew - the role of village *mahajans* and moneylenders became important in local production and marketing, but in this advantage they merely linked themselves to the landed gentry as part of the ruling class.

For the majority of rent payers there was greater hardship as a result of the increasing burden of rent. Because of the role of creditors and the growing rate of transfer of *raiya* rights into the hands of the richer section of the society, the poorer raiyats were reduced below the level of subsistence agriculturists to that of the lowest in the society - many were added to the number of the landless labourers. Appropriation of raiyats' holdings and seizing of their personal property were very common. The stronger groups, <sup>in</sup> both        caste and economic hierarchy, also manipulated the judicial verdicts and court cases. Some officials were often critical of the misdeeds of the *maliks*, and of policies which did not give relief to the weaker section of the society. But they did not devise policies which improved the situation. They attributed the problem, as in the incidence of famines and the suffering of the poor, rather more to the pressure of population and the scarcity of land than to the nature of society and government. But the growth of population cannot be regarded the only reason for the poverty. It is true that there was hardly more than 12 percent of the land left uncultivated in the North Bihar region. But the holdings of the zamindars and their personal assets including *zirat* land, and those of other dominant groups, formed the major portion of the cultivated areas. Thus there was no land for the landless labourers and insufficient for the poor tenants-at-will. They had no place in an open credit market,

but their labour was saleable at a very cheap rate at the instance of the controllers of production and to meet the commercialised demand for agricultural products.

In recent years there has been much discussion on the commercialisation of agriculture and its impact not only in the Eastern regions, but on the whole of <sup>the</sup> Indian sub-continent. There is, however, much difference of opinion, sometime apparently according to the crop under consideration - such as sugarcane, oil seeds, jute, poppy and indigo - and sometimes according to qualitative differences between markets, <sup>the involvement of money-lending classes and the monetisation of</sup> <sup>the exchange of</sup> cash crops. Neil Charlesworth held that the commercialisation of agriculture in Western India depended on special circumstances, such as ecological conditions, and the demand of wider markets, and hence varied from region to region and village to village. However, in his view, differential commercialisation brought quantitative expansion and influenced the society. Christopher Baker finds that in the nineteenth century, agriculture in South India was extended under the impetus of a growing population and an increasing demand for agricultural produce among new industries and newly rich consumers in the industrialised West, though he has some reservation about the casual role of the latter. Some of these writers suggest that the persistence of a peasant economy and a hierarchical structure arrested the development processes. But the majority, especially the most recent rethinking, have tried to prove instead that it was the nature of the commercialisation which delayed the developmental processes. Krishna Bhand<sup>a</sup>waj has linked the process of rural indebtedness and bondage, the servile dependence of small cultivators on moneylanders, merchants and landlords. She has related the production and exchange processes in order to establish the different categories of very small cultivators, small cultivators, medium cultivators and large or dominant cultivators, each of which exercised qualitative differences in the type of exchanges and their market involvement.

It is clear that capitalistic relations in production and the involvement of only limited elements of society in the market, as in exchange and credit — all synonym<sup>ous</sup> with the

development of commercialisation of agriculture — resulted in the impoverishing of the producing classes. But cash crops, subsistence farming, credit relations, regional economy and the further transmission to <sup>the</sup> international market can be articulated in terms of the existing class structure and the caste-based dominance of local social groups who controlled both land and labour. Here the crucial factors were the historical roots of the social and economic hierarchy and its nineteenth-century adaptation by the British in land legislation and judicial interpretations.

B. R. Tomlinson says about the late nineteenth century British policy: 'the search of power and profit in its most important dependency', apart from the structure of the society, the reinforced commercialization of agriculture and the most augmented revenue policy in feudal society, rather resulted in the accumulation of capital in the hands of the privileged class. The effective control of land was more important than its ownership. The control of land and capital made the society more complex. Rural credit, <sup>the</sup> involvement of various elements in the market economy, <sup>and</sup> social and economic power relations within the framework of the British agrarian policy put great pressure on the poorer class on the one hand, and on the other hand hindered economic development over the years. Hence not only was there a gradual decline of cottage industry and no sign of industrial growth, but there was no sign of modernity at all in the life of the masses. The servile and poverty-stricken agricultural labourers were growing in number; for them the economic structure was definitely in a state of decay at the end of the nineteenth century. There was no improvement to be seen in the condition of the majority of those on whom agricultural production depended.

## CHAPTER I

### INTRODUCTION: the Agrarian Society of North Bihar in the 19th Century

#### Footnotes

- (1) Some recent published works on Bihar are:
- (i) B. B. Chaudhuri, 'Agrarian Relations in Bengal (1859-1885)', In N. K. Sinha (ed.), *History of Bengal 1757-1905*, (Calcutta, 1967).
  - (ii) B. B. Chaudhuri, 'Movement of Rent in Eastern India', 1793 - 1930, *IHR*, Vol. III, No. 2, January, 1977.
  - (iii) B. B. Chaudhuri, 'The Process of Depeasantization in Bengal and Bihar, 1885 - 1946', *IHR*, 1 (1975).
  - (iv) B. B. Chaudhuri, 'The Land Market in Eastern India (1793-1940)', *IESHR*, 12, 1 and 2 (1975), 1-42, 133-68.
  - (v) B. B. Chaudhuri, 'The Agrarian Movements in Bihar and Bengal', (1919-1939), in B. R. Nanda (ed.), *Socialism in India* (Delhi, 1972).
  - (vi) Girish Mishra, *Agrarian Problems of Permanent Settlement: A case Study of Champaran*, (Delhi, 1978).
  - (vii) Stephen Henningham, *Peasant Movements in Colonial India, North Bihar, 1917 - 1942*, (Canberra, 1982).
  - (viii) Peter Robb (ed.), *Rural India Land Power and Society under British Rule*, (London, 1983).
  - (ix) Peter Robb, 'Hierarchy and Resources: Peasant Stratification in Late Nineteenth Century Bihar', *MAS*, 13, 1 (1979).
  - (x) Peter Robb, 'Law and Agrarian Society in India: The Case of Bihar and the Nineteenth Century Tenancy Debate', *MAS* 22, 2, (1988).
  - (xi) Jacques Fouchepadass, 'Local Leaders and the Intelligentsia in the Champaran Satyagrah', *CIS*, New Series, No. 8, (November, 1974).
  - (xii) Jacques Fouchepadass, 'Peasant Indebtedness in Colonial Bihar', *Purushartha*, No. 4, (1981).
  - (xiii) Jacques Fouchepadass, 'Peasant Economy and the Market System in Early 20th Century Bihar' Published in *Proceedings of the European Conference on Modern South Asian Studies*, SOAS, London, July 1981.
  - (xiv) Jacques Fouchepadass, 'The Market for Agricultural Labour in Colonial North Bihar, (1860-1920)' *Proceedings of the 9th European Conference on Modern South Asian Studies*, Heidelberg, July, 1986.
  - (xv) Anand A. Yang, 'An Institutional Shelter: The Court of Wards in Late Nineteenth Century Bihar'. *MAS*, 13, 2 (1979).
  - (xvi) Stephen Henningham, 'Bureaucracy and Control in India's Great Landed Estates: The Raj Darbhanga of Bihar, 1879 to 1950', *MAS*, 17, 1 (1983).
  - (xvii) A. K. Bagchi, 'De industrialization in Gangetic Bihar, 1809-1901', *B. D. (ed.) Essays in Honour of Professor S. C. Sarkar*, (Calcutta, 1976).

- (xviii) Asok Sen, Partha Chatterjee and Saugata Mukharji, *Perspectives in Social Sciences, 2, Three Studies on the Agrarian Structure in Bengal 1850-1947*, (Calcutta, 1982)
- (xix) F. T. Jannuzi, *Agrarian Crisis in India, The Case of Bihar*, (Delhi, 1974).
- (xx) Arvind Narain Das, *Agrarian Unrest and Socio-Economic Change in Bihar, 1900-1980* (Delhi, 1983).
- (xxi) P. J. Marshall, *The New Cambridge History of India II. 2 Bengal: The British Bridgehead, Eastern India 1740-1828*, (Cambridge, 1988).
- (xxii) C. A. Bayly, *The New Cambridge History of India, II. 1, Indian Society and the making of the British Empire*, (Cambridge, 1988).
- (xxiii) C. A. Bayly, *Rulers, Townsmen And Bazaars, North Indian Society in the Age of British Expansion 1770-1870* (Cambridge, 1983).
- (xxiv) Dharma Kumar and Meghnad Desai (ed.) *The Cambridge Economic History of India, vol. 2, 1757-1970*, (Cambridge, 1983).
- (2) Sugata Bose, *Agrarian Bengal: Economy Social Structure, and politics, 1919 - 1947*, (Cambridge, 1986)
- (3) Thomas R. Metcalf, 'Laissez Faire and Tenant Right in mid-nineteenth century India, vol.1, *IJESHR* (1963), pp. 74 - 75.
- (4) B. R. Grover, Presidential address, *Medieval India, IHCP* (1976), pp. 162 - 63.
- (5) H. R. Ghosal, 'A Study of the Land Revenue Records of Tirhut (17 - 1838),' *JBRs*, Vol. XXX, pt. II, (1954), pp. 43 - 4.
- (6) D. Rothermund, *The Phases of Indian Nationalism and other Essays* (Bombay, 1970), p. 170 -
- (7) Maurice Dobb, *Studies in the Development of Capitalism*, revised edition, (London, 1963).
- (8) D. D. Kosambi, *The Culture and Civilization of Ancient India in Historical Outline*. (London, 1965) pp. 15 - 17.
- (9) R. S. Sharma, *Indian Feudalism*, (Calcutta, 1965) and also see his, *Material Culture and Social Formation in Ancient India*, (Delhi, 1983), Introduction and Chapter 1, 'Problem of Social Formations in Early India.'
- (10) H. Risley, *Tribes and Castes of Bengal*, (Calcutta, 1891) Vol. 1, pp. 440 - 446.
- (11) P. C. Roychoudhury, *Saran Gazetteers*, (Patna, 1930).

- (12) W. W. Hunter, *A Statistical Account of Bengal*, (London, 1876)
- (13) David G. Mandelbaum, *Society in India: Continuity and Change*, (California, 1970), see part I: Introduction.
- (14) Fifth report, (Firminger ed.) Vol. II, p. 739.
- (15) C. J. Stevenson-Moore, *Final Report on the Survey and Settlement Operations in the Champaran District, 1892 to 1899* (Calcutta, 1900) (Henceforth S. R. Champaran).
- (16) J. H. Kerr, *Final Report on the Survey and Settlement Operations in the Darbhanga District, 1896 to 1903*, (Patna, 1926) (Henceforth S. R. Darbhanga).
- (17) C. J. Stevenson-Moore, *Final Report on the Survey and Settlement Operations in the Muzaffarpur District 1892 - 99* (Henceforth S. R. Muzaffarpur)
- (18) B. S. Cohn, 'Structural Change in Indian Rural Society' in R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History* (Wisconsin, 1969), pp. 53 - 121.
- (19) S. R. Muzaffarpur, para, 319.
- (21) S. R. Darbhanga, para, 289.
- (22) Gazetteers: Saran, (Patna, 1960), Champaran (Patna, 1960), Darbhanga, (Patna, 1964), Muzaffarpur, (Patna, 1958).
- (23) G. A. Grierson, *Bihar Peasant Life*, (Second edition, Patna, 1929), pp. 125 - 30.
- (24) S. R. Champaran, para, 406.
- (25) Muzaffarpur Gazetteer, pp. 60 - 61.
- (26) Saran Gazetteer, p. 66.
- (27) S. R. Darbhanga, para 479.
- (28) Ibid, para, 466 - 70.
- (29) B. N. Ganguly, *Trends of Agriculture and Population in the Ganges Valley* (London, 1938), pp. 193 - 4.
- (30) P. J. Marshall, op.cit., pp. 152-55.
- (31) B. B. Mishra, *The Indian Middle Class Their Growth in Modern Times*, (London, 1961) p. 129.
- (32) P. J. Marshall, op. cit. Chapter 5, 'A New Society?'. See his assessment of the Society of Eastern India under the British in the late 18th and early 19th century.

- (33) Dharma Kumar and Meghnad Desai (eds.), Cambridge Economic History of India, Vol. 2, (Cambridge, 1983) p. 94.
- (34) P. J. Marshall, op. cit., pp. 152 - 55.
- (35) *Bengal Revenue Proceedings*, 17 September, 1877,
- (36) *Selection from Papers Relating to Bengal Tenancy Act*, 1885, pp. 35 - 40.
- (37) A. Sen, Partha Chatterjee and Saugata Mukherji, *Perspectives in Social Sciences 2, Three Studies on the Agrarian Structure in Bengal, 1850 - 1947*, (Calcutta, 1882) p. 28.
- (38) S. R. Muzaffarpur, para, 351, C. J. Stevenson-Moore, quoting from the minutes of Sir, A. P. Macdonnell, Lieutenant Governor of Bengal.



## CHAPTER II

### ZAMINDARS

#### Footnotes

- (1) R. S. Sharma, *Indian Feudalism*, (Calcutta, 1965). See Introduction.
- (2) D. D. Kosambi, *The Culture and Civilization of Ancient Indian In Historical Outline*, (London, 1965), pp. 16 - 21.
- (3) Bernard S. Cohn, 'Notes on the History of the Study of Indian Society and Culture,' in Milton Singer and Bernard S. Cohn, (ed.), *Structure and Change in Indian Society*, (Chicago 1968), p. 16.
- (4) B. H. Baden-Powell, *The Land Systems of British India*, Vol. I, (Oxford, 1892), pp. 94 - 240.
- (5) Ronald Inden, 'Orientalist Construction of India', *MAS* 20,3, (1986), p. 428.
- (6) S. Nurul Hasan, *Thoughts on Agrarian Relations in Mughal India*, (Delhi, 1973), p. 19.
- (7) Satish Chandra, *Medieval India: Society, the Jagirdari Crisis and the Village* (Delhi, 1982), pp. 62 - 66.
- (8) Tapan Raychaudhuri, 'Permanent Settlement in Operation: Bakarganj District, East Bengal,' in R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History* (Wisconsin, 1967), p. 164.
- (9) Ibid, pp. 164 - 65.
- (10) Quamuddin Ahmad, 'Origin and Growth of Darbhanga Raj (1514-1666), Based on some Contemporary and unpublished Documents' *IHRCP*, (1962), pp. 89 - 91. The author has traced the origin and development of the Darbhanga raj, deciphering some unpublished original Persian and other documents of 16th century since the time of emperor Akbar, and enlightened with facts about the fiscal and administrative set up of the big feudal estate of North Bihar. These unpublished records are preserved in Darbhanga Record Room.
- (11) 'The Aristocracy of Bihar: The Hathwa Raj', *Calcutta Review*, Vol. LXXVI, (1883), pp. 80 - 101. (N.A.)
- (12) Girish Mishra, 'The zamindars of Champaran,' in his *Agrarian Problems of Permanent Settlement: A case Study of Champaran*, (Delhi, 1978) pp. 11-15.
- (13) *Minute of John Shore, Extract, Bengal Revenue consultations*, (21st December, 1789), *Fifth Report*, Vol. II, pp. 520 - 22 (App).
- (14) Henry S. Maine, *Village Communitities in the East and West*, (London, 1876), p. 60
- (15) H. R. Ghosal, quoting extract of letters from Secretary. Sadar Board, to Commissioner of Saran 6, December 1837; letters from Commissioner of Munghyer to Collector of Tirhut, 22 March 1834, letter from Commissioner of Saran to Collector of Tirhut, 22 August 1833; from the unpublished documents of record room of the Muzzaffarpur Collector for the period 1833-

38. 'The Problem of Effecting Permanent Settlement in Tirhut,' *JBRS*, February 1960. The author reveals the fact that the unsettled *mahals* were kept temporarily settled by the Collectors with those who were in actual possession of management, or *mahals* were farmed out or were kept under *khass* management of the Collector.
- (16) S. Nural Hasan, 'Zamindars under the Mughals', R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History*, (Wisconsin, 1969), p. 28.
- (17) *Report of the Government of Bengal on the proposed Amendment of the Law of Landlord and Tenant in that province with revised bill*, (Calcutta, 1881), p. 201.
- (18) Ibid, From A. P. Macdonnell, officiating Collector of Saran, Chapra, to the Commissioner of Patna Division, 'Remark on Proposal Rent Bill Law for Bihar', dated Chapra, 15 December 1880, p. 734.
- (19) Ibid.
- (20) Tapan Raychaudhuri, *op.cit.*, p. 166.
- (21) B. B. Chaudhuri, 'Agrarian Relations in Bengal 1859 - 1885', in N. K. Sinha, (ed.) *History of Bengal Volume II, 1757 - 1905*, (Calcutta 1967) p. 265.
- (22) S. R. Darbhanga, para 100.
- (23) Tapan Raychaudhuri, *op.cit.*, pp. 169 - 70.
- (24) Girish Mishra, *op.cit.*, p. 51.
- (25) S. R. Muzaffarpur, p. 334.
- (26) S. R. Saran, pp. 152 - 53.
- (27) S. R. Muzaffarpur, p. 154.
- (28) Ibid., para, 439.
- (29) Ibid, para, 441.
- (30) S. R. Saran, p. 153, and S. R. Muzaffarpur, p. 326.
- (31) S. R. Muzaffarpur, pp. 327 - 28, and S. R. Saran, para, 543.
- (32) Jacques Pouchepadass, 'Land Power and Market: The Rise of the Land Market in Gangetic India', in Peter Robb, (ed.), *Rural India: Land Power and Society Under British Rule*, (London, 1983), pp. 89 - 99.
- (33) S. R. Saran, para 206, (Legal Rememberancer's opinion on the question of right on private land of landlord).
- (34) S. R. Muzaffarpur, p. 156.
- (35) *Bengal Board of Revenue Proceedings, 8 April, 1794*, Letter from Commissioner of Bihar to the Board of Revenue, dated 5, November, 1793.

- (36) Tapan Raychaudari, *op.cit.*, pp. 169 - 70.
- (37) Anand A. Yang, 'Institutional Shelter: The Court of Wards in Late Nineteenth Century Bihar', *MAS*, 13, 2 (1979), pp. 242 - 64. The author discusses various aspects of the zamindari estates being brought under the Court of Wards as well as administration of the estates during the wardship.
- (38) Stephen Henningham, 'Bureaucracy and Control in India's Great Landed Estates: The Raj Darbhanga of Bihar, 1879 to 1950' *MAS* 17, 1 (1983) pp. 35 - 37.
- (39) Bernard S. Cohn, 'Political Systems in Eighteenth Century India: The Banaras Region, *JAOS*, 82 (July - September 1962), pp. 312 - 20.
- (40) P. J. Musgrave, 'Landlords and Lords of the Land: Estate Management and Social Control in Uttar Pradesh 1860 - 1920', *MAS*, 6, 3, (1972), pp. 270.
- (41) A. Ghosh and K. Datt, *Development of Capitalist Relation in Agriculture*, Delhi, 1977), p. 61.
- (42) R. N. Sinha, *Bihar Tenantry, (1793-1833)*, (Bombay, 1968), p. 119.
- (43) B. B. Mishra, *The Indian Middle Classes: Their Growth in Modern Times*, (London, 1961) p. 134.
- (44) Girish Mishra, *op.cit.*, pp. 51 - 52.
- (45) Sirajul Islam, *Permanent Settlement in Bengal (1790-1819)*, (Dacca, 1979), p. 254.
- (46) Jacques Fouchepadass, *op.cit.*, p. 97.
- (47) B. B. Chaudhuri, 'Rural Credit Relations in Bengal,' 1859 - 85, Vol. VI, No.2, *IESHR* (June 1969), p. 209.
- (48) P. C. Roy Choudhuri, 'The Changing Villages in Bihar' in his, *Inside Bihar*, (Patna, 1962), p. 67.
- (49) R. S. Sharma, 'How Feudal was Indian Feudalism? *JPS*, Vol. 12, No. 2 and 3, January/April (1985), pp. 26 - 29.
- (50) Bernard S. Cohn, *op.cit.*, pp. 312 - 19.
- (51) B. R. Grover, 'Nature of Dehati-Taluqa (zamindari Villages) and the Evolution of the Taluqdari System During the Mughal Age', *IESHR*, Vol. II, No. 3, 1965 pp. 260 - 61.
- (52) Peter Robb, 'Hierarchy and Resources: Peasant Stratification in Late Nineteenth Century Bihar', *MAS*, 13, (1979), p. 101

## CHAPTER III

### RAIYATS

#### Footnotes

- (1) D. D. Kosambi, *The Culture and Civilization of Ancient India in Historical Outline*, (London, 1965) the Chapter on the Historical Perspective, pp. 15-18.
- (2) D. N. Jha, *Ancient India: An Introductory Outline*, (Delli, 1977), p. 101.
- (3) B. D. Chattopadhyaya, 'Trade and Urban Centres in Early Medieval North India', *IHR*, I, (1974) pp. 203-19.
- (4) B. N. S. Yadav, *Society and Culture in Northern India in the Twelfth Century*, (Allahabad, 1973), and another work, 'Immobility and Subjection of Pesantry in Early Medieval Complex', *IHR*, I, (1974), p. 18-27.
- (5) R. S. Sharma, *Perspectives in Social and Economic History of Early India*, (Delhi, 1983), pp. 233-39. His article, 'How Feudal was Indian Feudalism?' *JPS* (1985), pp. 23 - 25.
- (6) B. R. Grover, *IHCP* (1976), Presidential address, 'Medieval Indian History' Section, pp. 145 - 46.
- (7) Irfan Habib, 'The Peasant In Indian History', General Presidential, Address, *IHCP*, 82 pp. 30 - 31.
- (8) Satish Chandra, *Medieval India: Society, The Jagirdari Crisis and the Village*, (Delhi, 1982), pp. 32-3.
- (9) *Ibid.*, p. 36.
- (10) B. R. Grover, 'Land Rights in Mughal India', *IESHR* I, July-September 1963, p. 5. He quotes the evidence of the land right of *pahi-kasht* raiyat from Persian manuscripts for Subah Delhi (available in Bibliothèque Nationale, Paris, for the reign of Shahjahan, and also manuscripts found in Berlin Archive).
- (11) Irfan Habib, *Agrarian System of Mughal India*, (Bombay 1965), pp. 112 - 13.
- (12) B. R. Grover, *IHCP*, (1976), pp. 146-52.
- (13) Satish Chandra, *op. cit.*, pp. 36 - 37. His interpretation of the distinction between *khud-kasht* and *pahi-kasht* raiyats and evidence produced for the district of Purnea, in case of raiyat of a *mauza* cultivating land in another *mauza* as *pahi* as well as a raiyat, signifies the status of a cultivator called *raiyaat giri* (*tan ba raiyaat giri ayad*).
- (14) T. H. Colebrooke, *Remarks on the Husbandry and Internal Commerce of Bengal*, (London 1806), pp. 164 - 65.

- (15) B. R. Grover, 'Land Rights in Mughal India', *IESHR*, 1 July - September, (1963), p. 6.
- (16) Bernard S. Cohen, 'Comments on Papers on Land Tenure', *IESHR*, (1965), pp. 178 - 79.
- (17) Henry S. Maine, *Ancient Law: its connection with the early history of Society and its relation to modern idea* (original publication, 1861, London 1917), see Chapter on 'Primitive Society and Ancient Law', p. 99.
- (18) S. Gopal, *The Permanent Settlement in Bengal and its Results*, (London, 1948), p. 12.
- (19) *Hastings Papers*, British Museum European ~~Addition~~ MSS 19090. (Br.Mu.)
- (20) W. K. Firminger (Ed.), *Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company*, vol. 11 July, 1812, p. 57.
- (21) Henry S. Maine, *Village Communities in the East and West*, (London, 1907), p.160.
- (22) *Fifth Report*, Volume III, pp. 398-400, Harrington's analysis of land tenure in the Bengal Presidency is important for a better understanding of the problem. He was an East India Company official from 1780 to 1823.
- (23) *Minute of Governor General, (Bengal)*, 1 September, 1789, *Fifth Report, Volume ii*, pp. 11-12 (Appendix).
- (24) B. H. Baden Powell, *The Land Systems of British India* Vol. 1, (Oxford, 1892), p. 404.
- (25) *Report of the Government of Bengal on the proposed Amendment of the Law of Landlord and Tenant (henceforth to be called Law of the Landlord of Tenant) in that Province with revised bill and Appendixes*, Vol. I, (Report, Bill and Appendixes, 1881) Revenue Dept. Appendix II, A, 'Extract from Philip's lecture on the Land Tenure of Lower Province of Bengal' Chapter VIII, p. 311. (IOL).
- (26) Irfan Habib, op. cit., p. 336 and also see Tapan Ray Chaudhuri, 'Permanent Settlement in operation: Bakarganj District East Bengal in R. E. Frykenberg (ed.), Land Control and Social Structure in Indian History, (Wisconsin, 1969).
- (27) R. Stevenson-Moore, *Final report on the Survey and Settlement Operations in the districts of Muzaffarpur, 1892 - 99*, (Patna 1900), pp. 79 - 84.
- (28) Hetukar Jha, 'Permanent Settlement in Bihar', *Social Scientist*, (Aug 1980), No 97, pp. 55 - 56.
- (29) *Minutes of Evidence before the Select Committee of the House of Commons (1832)*, Vol. III, p.188.
- (30) S. Gopal, op. cit. p. 37.

- (31) M. N. Gupta, *Land System of Bengal*, (Calcutta, 1940), pp. 239 - 243.
- (32) D. C. Wadhwa, 'Transferability of Raiyati Holdings in Bihar: A Long Journey (1793-1950)', D. N. Panigrahi (ed.), *Studies in History and Society: Economy, Society and Politics in Modern India*, (Delhi), 1985). The author discusses and analyses the various aspects of transfer of land holdings of the raiyats of Bihar during the above period, and advances the argument that the courts employed the phrase, 'rights and interests of the raiyats which 'could be sold without determining what they consisted of' pp. 160-81.
- (33) K. C. Chaudhuri, *The History and Economics of the Land System in Bengal*, (Calcutta, 1928), pp. 143 - 44.
- (34) Girish Mishra, *Agrarian Problems of Permanent Settlement: a case Study of Champaran*, (Delhi, 1978) p.31.
- (35) B. B. Chaudhuri, 'Agrarian Relations in Bengal (1859 - 1855)'; N. K. Sinha (ed.), *History of Bengal (1757 - 1905)*, (Calcutta, 1967) p. 265.
- (36) Thomas R. Metcalf, 'Laissez Faire and Tenant Right in Mid-nineteenth century India' Vol. 1, No. 1, *IESHR* (1963), pp. 75 - 76.
- (37) C. D. Field, *Landholding and the Relation of Landlord and Tenant in Various Countries*, (Calcutta, 1885) p. 786.
- (38) Girish Mishra, op. cit. p. 129.
- (39) D. C. Wadhwa, op. cit. p. 166.
- (40) Sydney Webb, *The Decay of Capitalist Civilization* (London, 1923).
- (41) L. H. Jenks, *Migration of British Capital to 1875*, (London, 1963) Chapters VII, X, and XI.
- (42) Ratna Lekha Ray, 'The Changing Fortunes of the Bengali Gentry Under Colonial Rule-Pal Chandhuris of Mahesganj, 1800-1950, *NAS* (1987), Vol. 21, Pt. 3, July, 1987, pp. 511-19. She discusses the capitalist enterprise of the zamindars of Bengal who invested their capital in land and agriculture after the Permanent Settlement of 1793. In Bengal it was true in most of the cases, but in Bihar, only in case of those wealthy zamindars who realised that the nature of agriculture was gradually becoming commercial, such as indigo, poppy, oilseeds, sugarcane, tobacco and rice. They also took incentive in both production as well as in monopolising the village market.
- (43) John Beames, *Memoirs of a Bengal Civilian*, (London, 1961) pp. 129 - 30.
- (44) Report of the Committee on the Agrarian Condition in Champaran, Vol. I, Chapter III, (Patna, 1917).
- (45) *Report on the Land Revenue Administration of the Lower Provinces of Bengal for the year 1892 - 93*, (Calcutta, 1894), p. 47. Also see the Report for the year 1900, p. 26.

- (46) Under *assamiwar* system, cultivation of the crop was carried on by the individual cultivator's family on his own holding. He did not hold land on lease. He loaned money from the village *mahajan* to carry on production and bore all the risks investing capital and labour and surrendered almost the entire share of the produce to the creditor. *Assamiwar* means cultivation through tenants. The term *zirat* means direct cultivation of land holding at a rate fixed by the landholder, *thikadar* or planter. Under this system, the maximum profit from the produce was appropriated by the *malik*. The *zirat* land was generally private land of zamindars which tenure holders leased out to the *raiya*s on high rent. The *thikadars* and planters worked as tenure-holders and earned much profit receiving *zirat* land from zamindars on tenure and leasing out to poor *raiya*s and exploiting them. Also, see A. P. Macdonnell's note in 'Memoirs of my India Career, vide No. 127, 1876 - 77, Appendix B, Macdonnell's Report of 22 June 1877.
- (47) *Famine Commission Report, 1881, Appendix 1, para 4, p. 188.*
- (48) *Bengal Administration Report for 1871 - 72. (Calcutta, 1873)*  
(*Government of Bengal to the Government of India, 21 September 1863*).
- (49) *Papers relating to the working and amendment of the Act X of 1859, (Calcutta, 1888) pp. 2-3. (IOL).*
- (50) Dietmar Rothermund, 'The Bengal Tenancy Act of 1885 and its influence on Legislation in other Provinces', *Bengal Past and Present*, Diamond Jubilee Number, (1967),
- (51) *Bengal Land Revenue Miscellaneous Proceedings, November 1876, Collin 14-20/30, Temple's Minutes of 18 April 1876. (IOL).*
- (52) *Ibid, para 13 - 16.*
- (53) *Indian Famine Proceedings, December 1876 Appendix C.*  
Geddes to the Commissioner of Patna and Bhagalpur, 24 January 1876, para 112. (IOL).
- (54) J. S. Jha, *History of Darbhanga Raj* (Patna 1966), pp. 81-85.  
Also see Charles James O'Donnell, *The Ruine of an Indian Province (An Indian Famine Explained)*, 'A Letter to the Marquis of Hartington, Secretary of State for India' (London, 1880), pp. 21-3.
- (55) *Ibid.*
- (56) *Bengal Revenue Proceedings, September 1878, Nos. 92 - 93*
- (57) *Law of Landlord and Tenant, 1881, Report, Bill and Appendixes. (IOL).*
- (58) *S. R. Muzaffarpur para 336.*
- (59) *Bengal Administration Report, 1885 - 86, (Calcutta, 1887), pp. 96 - 98.*
- (60) *Dufferin Report, Government of India, Revenue and Agriculture Department, Resolution regarding the economic Condition of the Lower classes of the agricultural population and measures for the relief of densely populated tracts, 1888, (Simla, 1888) (Henceforth, Dufferin Report).*

- (61) See *Law of Landlord and Tenant*, 1881.
- (62) The Lieutenant Governor, Ashley Eden, said that tenants-at-will were enormous in number and weak in position. They were not significant in the eyes of law as they were too weak to protect their interest in the society. Therefore, much stress was given on strengthening the position of the occupancy raiyats. Although they were to be protected under the provisions with certain reservations, *khud-kasht* raiyat had all the rights for cultivation of land under his possession under the Acts of 1859 and Act VIII of 1869. But hardly did the zamindar allow the raiyat to enjoy the right or did the laws specifically empower the raiyat.
- (63) D. Rothermund, op. cit. p. 95.
- (64) *S. R. Muzaffarpur*, p. 54.
- (65) Ibid, para, 44- 41.
- (66) J. H. Kerr, *Final Report on the Survey and Settlement Operations in the Darbhanga District, 1896 to 1903*, (Patna, 1926), para, 364. (Henceafter *S. R. Darbhanga*).
- (67) Peter Robb, 'Hierarchy and Resources: Peasant Stratification in late Nineteenth Century Bihar', *MAS*, 13, 1 (1979), p. 116.
- (68) *S. R. Muzaffarpur*, para 784, p. 285.
- (69) H. J. Kerr, *Final Report on the Survey and Settlement Operations in the District of Saran, 1893 to 1901*, (Patna, 1903) para, 445 (Henceforth *S. R. Saran, 1893 - 1901*).
- (70) *S. R. Darbhanga* pp. 104 - 5.
- (71) See *S. R. Muzaffarpur*, pp. 308 - 12.
- (72) Ibid, p. 153.
- (73) Ibid, para, 434.
- (74) Peter Robb, op. cit. p. 104.
- (75) W. W. Hunter, *Statistical Account of Bengal, Volume XIII*, (London 1877), p. 241.
- (76) See *Famine Report, 1888, Dufferin Report 1888, Government of India, Famine Proceedings, December 1888, Nos. 1 - 24, Patna Commissioner to Government 2/6/1888. (102)*.
- (77) *Dufferin Report 1888, Appendix B., M. Finncane's Report on Migration and Emigration, Bengal, 4 April, 1888*.
- (78) *S. R. Saran*, paras 46 - 47.
- (79) J. A. Hubback, *Final Report on the Surevy and Settlement Operations in the Shehabad District, 1901 - 3*, (Patna, 1904), para 245, (Henceforth, *S. R. Shahabad, 1901 -3*).
- (80) *S. R. Saran*, page 149, para 533.



- (81) Ibid, para, 535.
- (82) *S. R. Darbhanga*, pp. 118 - 22.
- (83) *S. R. Shahabad*, para 332.
- (84) Peter Robb, op. cit., p. 107.
- (85) Report of Bengal Government to Government of India, *Dufferin Report*, Appendix A, p.6.
- (86) 'Statement of Collector of Darbhanga' *Dufferin Report*, p. 7, para 11.

## CHAPTER IV

### LAND RENT

#### Footnotes

- (1) R. S. Sharma, *Perspectives in Social and Economic History of Early India*, (Delhi, 1983) pp. 150 - 53.
- (2) *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company (1812) Vol. 2*, (Calcutta, 1917), pp. 84 - 88.
- (3) A. P. Macdonnell, *Report on Food Grain Supply and Statistical Review of the Relief Operations in the distressed District of Bihar and Bengal During Famine of 1873 - 74*, (Calcutta, 1876), pp. (Henceafter, Report on Food Grain Supply). (IOL)
- (4) W. W. Hunter, *Statistical Account of Bengal, Vol. XIII*, (London, 1877), Tirhut, p. 112.
- (5) Ibid, p. 99.
- (6) A. P. Macdonnell, op. cit. p. 84.
- (7) Ibid, p. 84.
- (8) W. W. Hunter, op. cit. p. 302.
- (9) *Report on Rent Law Commission*, (Calcutta, 1886) p. 146. (IOL).
- (10) Jacques Pouchepadass, 'Land, Power And Market: The Rise of the Land Market in Gangetic India, in Peter Robb (ed.) *Rural India: Land, Power and Society under British Rule*, (London, 1983) pp. 89 - 98. Also see Pouchepadass's 'Peasant Indebtedness in Colonial Bihar', *Furusartha* No. 4, (Paris, 1981).
- (11) *Bihar Rent Papers, 1877 - 78*, (Calcutta, 1879), from S. C. Bayley, Secretary to the Government of Bengal, to the Patna Commissioner, Judicial Department, dated 7 August, 1877. (IOL).
- (12) *Bihar Rent Papers*, p. 2.
- (13) Ibid, 'extract from the letter of C. E. Worseley, Magistrate and Collector of Muzaffarpur dated 9 October, 1877, p. 26.
- (14) Ibid, 'extract from the proceedings of the meeting of zamindars of Hajipur with the sub-divisional officer, Mr. A. J. Primrose, dated 10 September, 1877, pp. 29 - 31.

- (15) B. B. Chaudhuri, 'Movement of Rents in Eastern India, 1793 to 1930,' *IHR* (1976), p. 349.
- (16) *Report of the Government of Bengal on the proposed Amendment of the Law of the Landlord and Tenant in the Bengal Province, 1881*, pt. II, From F. Nuane (Deputy Collector) to the Government of Bengal, Revenue Department, 9 May, 1881 (Henceforth, *Amendment of Law of Landlord and Tenant, 1881*).
- (17) Eric Boserup, *The Condition of Agricultural Growth*, (London, 1965), See the Introduction.
- (18) B. B. Chaudhuri, *op.cit.* p. 355.
- (19) S. R. Saran, paras, 39 - 40, [Note: if the rent rate is compared with the 16th century during the time of Akbar, it was only Re. 1 and anna 8 per acre. Since then for 200 years, no evidence of rent rate was forthcoming, except in the beginning of the 19th century something over Rupee 1 in the northern part which was unsettled, and in <sup>the</sup> rest of the parts it was Rs. 2 to 4].
- (20) S. R. Darbhanga, para, 37 - 39.
- (21) S. R. Muzaffarpur, para, 830 - 31.
- (22) S. R. Darbhanga, para, 407.
- (23) S. R. Saran, para, 502.
- (24) S. R. Champaran, para 419.
- (25) Peter Robb, 'In Search of Dominant Peasants. Notes on The Implementation in Bihar of the Bengal Tenancy Act, 1885', *inclive Duty, 2, Arrested Development in India*, (New Delhi, forthcoming). p.10.
- (26) S. R. Saran, para 294.
- (27) Ibid, para, 288.
- (28) S. R. Muzaffarpur, para, 834.
- (29) Board of Revenue Proceedings, Government of Bengal, 8 January, 1883, No. 135. (IOL).
- (30) B. B. Chaudhuri, 'Agrarian Relations in Bengal 1859 - 85', N. K. Sinha (ed.), *History of Bengal, 1757 - 1905* (Vol. 2, (Calcutta, 1969) p. 276.
- (31) Dharma Kumar and Meghnad Desai (ed.), *Cambridge Economic History of India*, Vol. 2, (Cambridge, 1983), Section on 'Eastern India', pp. 136 - 37.

- (32) S. R. Muzaffarpur, para, 646, 'extract from the evidence of the increase in rent and payment to be made by the raiyat even if the price of food had gone up' Mr. Lyon, District Officer, Saran quoting in his annual Settlement report for the year 1894 - 95, the Statement of Mr. Grauntlett, Assistant Settlement Officer Saran, during the above period.
- (33) S. R. Muzaffarpur, pp. 231 - 32.
- (34) *Amendment of Law of Landlord and Tenant, 1881, from Finucane to the Government of Bengal, Revenue Department, 9 May, 1881.*
- (35) *Bengal Survey and Settlement Proceedings*, Finucane, on Special duty to the Board of Revenue, 10 February, 1883, para 4. (IOL).
- (36) Ibid, 1892 - 99, para, 831.
- (37) S. R. Muzaffarpur, para 1085.
- (38) B. B. Chaudhuri, in N. K. Sinha (ed.) *History of Bengal*, Vol. 2, p. 276.
- (39) Peter Robb, op.cit., Section dealing with 'the tenancy law and rents', p. 17.
- (40) S. R. Muzaffarpur, para, 922.

## AGRICULTURAL LABOUR

Footnotes

1. R. S. Sharma, *Indian Feudalism*, (Calcutta, 1965),
2. Der Raj Chanana, *Slavery in Ancient India*, (Delhi, 1960), pp.6-5.
3. The agricultural labour and occupational castes in Bihar were and are Badhai, Bullock cart-drivers, Dusadh and Goala, mainly, apart from their agricultural occupation, Chamar, Dhobi, Gandedi, Hajam, Halwai, Jolaha, Kandu, Kumhar, Kahar, Lohar, Mali, Mallah, Nonia, Teli, and some other castes.
4. Irfan Habib, *Peasant and Artisan Resistance in Mughal India*, McGill Studies in International Development. No. 34, (Montreal, 1984) p.3.
5. R. S. Sharma, *Perspectives in Social and Economic History of Early India*, (Delhi, 1983), pp. 301-1.
6. Richard Fick, *The Social Organisation in North East India*, translated from German, Shishir Kumar Mitra (first published in Germany, Kiel 1897; Calcutta, 1922), pp. 310 - 11.
7. Rhys Davids (Mrs.), *Economic Conditions According to Early Buddhist Literature*, in E. J. Rapson (ed.), *The Cambridge History of India*, Vol. I, Ancient India, (Cambridge, 1922), p. 205.
8. H. R. Ghosal, 'Labour in Early Nineteenth Century, Bihar', *Journal of Bihar Research Society*, Vol. XXXII. Pt. 1, (Patna, 1956), quoting from a Bengali Journal, *Jnananvesan*, p. 165.
9. Irfan Habib, *Agrarian System of Mughal India*, (Bombay, 1963), pp.121-3.
10. R. Montgomery Martin, *Statistics of the Colonies of British Empire in the West Indies, South America. North America, Asia, Australia, Africa, and Europe*, (London, 1839), Book IV, Possessing in Asia, Chapter 1 - Hindostan, pp. 288 - 89 and 293. The estimates are derived by the author from Buchanan's Official survey and data found in 1809 to 1816 also given in vols. 1.11 and 4.11 of *Eastern India*, published in 1838)
11. D and B. Bhattacharya, *Census of India, 1961: Report on Population Estimate of India, 1820 - 30*, (Volume IV), pp. iii-xix, xxii-xxix, 3-10, 71-72 and 7-123.
12. Tapan Raychaudhuri and Irfan Habib (eds.) *The Cambridge Economic History of India*, Vol. I, (Cambridge, 1982) Chapter on 'Population', pp 166 - 68. Also see Irfan Habib's, 'Colonization of the Indian Economy, 1757 - 1900, *Social Scientist*, 32, (Trivandrum, March, 1975) pp. 34 - 35.
13. John Crawford, *The Economic Development of India under the East India Company, 1814-58: A Selection of Contemporary writings*, K. N. Chaudhuri (ed.), (Cambridge, 1971), p. 234. The author discusses food of the lower classes of population in India during the period mentioned above and their wages too.

14. B. N. Ganguly, *Trends of Agriculture and Population in Ganges Valley*, (London 1938), pp. 118-25.
15. P. C. Tallent, *Census Report of India, 1921, Bihar and Orissa* p.22.
16. Eric Boserup, *The Conditions of Agricultural Growth*, (London 1965), P.13 Note: Eric Boserup says that 'this kind of phenomenon as time honoured distinction between cultivated and uncultivated land' would have to be replaced by a concept of frequency of cropping.
17. *Census Report of India, 1911, Vol. 4*, p. 124. The extension of cultivation in the districts of Bengal took place as a result of emigration of agricultural and manual labourers from South Bihar, especially from Chotanagpur and Santhal Parganas into the Sundarban delta and other alluvial districts.
18. Peter Robb, (ed.), *Rural India: Land, Power and Society under British Rule*, (London 1983), p. 3-4.
19. Francis Buchanan, *An Account of the District of Bihar and Patna in 1811-12*, Vol. 1. (Patna, 1921).
20. Govt. of India, *Revenue and Agriculture Department, Famine* (Simla, 1888), Resolution regarding the economic condition of the lower classes of the agricultural population and measures for the relief of densely populated tracts' (Dufferin Report 1888), P. (Henceforth Dufferin Report).
21. L. H. Jenks, *Migration of British Capital to 1875*, (New York, 1927), pp. 207-8. Note: The author discusses the accumulation of Indian capital, especially in the Bengal Presidency and provides evidence from Lees, W. Nassau's *Land and Labour in India*, (1897) pp. 232-33. A writer in the *Westminster Review*, LXIX: 202, estimated this measured income at £10,000,000. So also Anglo-Bengalese in *The Times*, 12 August, 1857. The latter computes his total as follows: £3,000,000 in pensions, interest, and salaries, £3,000,000 in family, and partnership remittances, the balance in profits and freight upon an Anglo-Indian trade of £55,000,000 a year.
22. Francis Buchanan, *op. cit.*, Vol. 11, p. 506.
23. Francis Buchanan, *Ibid*, pp. 556-57, and *Furnea Report*, (Patna, 1928) PP. 445-46.
24. H. R. Ghosal, *op. cit.*, pp 100-1.
25. *Letter from Collector of Shahabad to Henry Douglas, Magistrate of Patna, September 11, 1803*, and *Letter from Secretary Public Department to Henry Douglas, Sept. 1803*, (Patna Judges Court Records, Patna).
26. *Letter from a private merchant to W. H. Tippet, May 28, 1819*, *Letter from Thomas Morvant to W. H. Tippet, January 1820*, (Patna Judges Court Records, Patna).
27. *Bengal Judicial Department Proceedings, 5 January, 1798*, (Patna Judges Court Records, Patna).
28. *Extract from a Letter of Magistrate of Behar to the Secretary, Judicial Dept. dated November 10, 1815*, (Patna Judges Court Records, Patna).

29. W. W. Hunter, *Statistical Account of Bengal* Vol. Xiii (London 1876) p. 77.
30. F.H. B. Skrine, *Memorandum on the Material Condition of the Lower Orders in Bengal during the ten years from 1881-82 and 1891-92*, (Calcutta, 1892) page 7, para 26.
31. Dufferin Report, Secretary, Govt. of Bengal (Rev. and Agr.) to the Govt. of India, dated, August 1887.
32. Famine Report, 1888, *Report on the Conditions of the Lower Classes of Population in Bengal, 1888*, From Secretary Govt. of Bengal dated 30 June, 1888, to the Secretary, Govt. of INDIA Rev. & Agr. (IOL).
33. Ibid.
34. B. Foley, *Report on Labour in Bengal*, (Calcutta 1906), p.4. (Br. Mus.)
35. Government of Bengal, General Proceedings, dated, 19 March, 1904.
36. Lieutenant Governor of Bengal, General Dept., Emigration, (Calcutta June, 1904), from the Protector of Immigrants, Trinidad, to the Govt. Emigration Agent for Trinidad, No. 109A, dated Trinidad, 12 Feb. 1904 (IOL).
37. G. A. Grierson, *Report on Colonial Emigration from Bengal 1896*, (Calcutta, 1896), p. 16-18. (Br. Mus.).
38. J. A. B<sup>u</sup>rdillon, *Census Report, 1891*, P. 402.
39. Dufferin Report, (M. Finucane, Director of Land Records and Agriculture, to Secretary Govt. of Bengal, dated April 1888)
40. Ibid, M. Finucane, 'Report on Migration and Emigration of Labour in Bengal, Appendix 'B', April 1888.
41. C. J. Stevenson-Moore, *S. R. Muzaffarpur*, Para 680, and J. H. Kerr, *S. R. Saran*, para, 374.
42. Peter Robb, 'Bihar, the Colonial State and agricultural development in India 1880 - 1920', unpublished paper in the possession of the author.
43. F.H.B. Skrine, op. cit, Para 31.
44. Ibid, Para 31.
45. B. Foley, op. cit. p.1.
46. Ibid. p.4
47. Hugh Tinker, *A New System of Slavery, The Export of Indian Labour Overseas 1830-1920*, (Oxford, 1974), pp. 118-19.
48. W. W. Hunter, op. cit., Vol. XI, *Saran*, p. 296-7.
49. Ibid, Vol. Xiii, *Tirhut* p. 107-8.
50. Dufferin Report, Para, 12.

51. *Report on Bengal Labour Enquiry Commission*, (Calcutta, 1896), p. 7 (Br. Mus.).
52. Ibid, Para 14.
53. Ibid para 8.
54. Ibid para 15.
55. Government of India Famine Proceedings, December 1888, Nos. 1 to 24. (IOL)
56. Dufferin Report, para, 17.
57. Bengal Administration Report, 1876-77, (Calcutta 1877), p. 109.
58. B. Foley, op. cit., p.40.
59. S.R. Muzaifpur, para, 492.
60. Ibid., Appendix IX.
61. Colin M. Fisher, 'Indigo Plantation and Agrarian Society in North Bihar in the 19th and early 20th centuries', (unpublished PH. D. thesis, (Cambridge, 1976), p. 231. [He estimates that hardly 10% of the cultivated area <sup>was</sup> under indigo plantation in the North Bihar districts as a whole. But the expansion of indigo cultivation in *Zirat* land and *bhit* land rather increased the percentage of Indigo cultivation in the late 19th century <sup>to</sup> over 10 percent].
62. Govt. of India, Famine Proceedings, H. Crook, Collector of Purnea to Bhagalpur Commissioner, 2/4/1888, December 1888, Nos. 1-24 (IOL).
63. Patna Divisional Administration Report, 1876-77, para, 126.
64. B. Foley, op. cit. p.40.
65. Dufferin Report, Para, 27.
66. Report of Inspector General of Jails, Bengal, 20 May, 1888, para 4, Dufferin Report.
67. See Peter Robb, 'State, Peasant and Money-Lender in the Late nineteenth century Bihar: Some colonial inputs' in Robb (ed.), *Rural India*.
68. Asok Sen, Partha Chatterjee and Saugata Mukherkji, *Perspective In Social Sciences, 2, Three Studies on the Agrarian Structure in Bengal 1850 - 1947*, (Calcutta, 1982) p.57.
69. Mr. Quinn, Collector of Patna District, reports, *on the condition of Lower classes of two villages of Patna District*, included in the 'Report of Patna Commissioner on Lower classes of Patna Division,' Dufferin Report, para, 15.
70. Ibid., Para 9 - 10.
71. B. Foley, op. cit., Para 114, P.56.
72. Dufferin Report, Appendix A, Page 4.



73. Dufferin Report Ibid.
74. See J. A. Bordillon - <sup>u</sup>*Census Report, 1891, North Bihar districts.*
75. C. J. Stevenson - Moore, *Report on the Material Condition of Small Agriculturists and Labourers in Gaya*, (Calcutta 1893), PP 1-4, refuting the report of G. A. Grierson, *Report on condition of Lower Class of Population of Gaya*; Dr. Grierson wrote the truth in the capacity of a district officer, vide, circular number 35 of the Govt. of Bengal, dated 9 Dec. 1887. His report was revised in order to give it a flavour of prosperity among the lower classes. Later on, Dr. Grierson published his report in the form of a book, *Notes on the district of Gaya*, printed in the Bengal Secretariat Press (Calcutta, 1893). (IOL)
76. Stevenson-Moore, Ibid, para, 13 and 20.
77. Irfan Habib, *The Agrarian System of the Mughal India*, (Bombay, 1963) p. 117.
78. See B.B. Chaudhuri's, *Agricultural Production in Bengal, 1850-1900, co-existence of Decline and Growth*, Bengal Past and Present, July - December, 1969, Section 3 - 36.
79. Tapan Raychandhuri, *Historical Roots of Mass Poverty in South Asia, A. Hypothesis*, E.P.W., Bombay, Vol. XX, No. 18, May 4, 1985, pp. 804-5.
80. Dufferin Report, *Summary of Report*, para 29.
81. B. B. Chaudhuri; '*The Process of De-peasantization in Bengal and Bihar, 1885-1947*,' IHR, II, I (1975).

## CHAPTER VI

### CONCLUSION

#### Footnotes:

1. T. J. Byres, 'Modes of Production and Non-European, Pre-Colonial Societies, The Nature and Significance of the Debate' in T. J. Byres and Harbans Mukhia (eds.). *Feudalism and Non-European Societies*, (London, 1985), pp. 7 - 12.
2. Maurice Dobb, *Studies in the Development of Capitalism*, revised edition, (London, 1963).
3. Utsa Patnaik, *Chains of Servitude, Bondage and Slavery in India*, (Delhi, 1985), see Introduction, by Utsa Patnaik.
4. T. R. Metcalf, *Land, Landlord, and the British Raj*, (California, 1979), p. 381.
5. Dharma Kumar, 'Caste and Landlessness in South India', *CSSH*, Vol. IV, (1961 - 63), pp. 362 - 63.
6. Surendra J. Patel, *Agricultural Labourers in Modern India and Pakistan*, (Bombay, 1952).
7. Utsa Patnaik, op.cit., p. 27.
8. Henry S. Maine, op.cit. *Ancient Law*, (London, 1961, 1917), p. 99.
9. Walter Hauser, 'The Indian National Congress and Land Policy in the 20th Century,' *IESHR*, Vol. 1, No. 1, July - September, 1976.
10. Some recent years' debates on commercialization of Indian agriculture published:
  - i) B. B. Chaudhuri, *Growth of Commercial Agriculture in Bengal*, (Calcutta, 1964).
  - ii) A. K. Bagchi, *Private Investment in India, 1900-1939*, (Cambridge, 1972).
  - iii) Amit Bhaduri, 'A Study in Agricultural Backwardness under Semi-Feudalism', *EJ*, 1973.
  - iv) \_\_\_\_\_, 'Class Relation and the Pattern of accumulation in an Agrarian Economy', *CJE*, March, 1981.
  - vii) K. Kautsky, *La Question Agraire*, Maspero, 1970, translated and summerized by Jairus Banaji in *The Articulation of Modes of Production* (ed. H. Wolpe), London, 1980).
  - viii) Utsa Patnaik, 'The Process of Commercialisation under Colonial Conditions', (mimeo, presented at the Seminar on Commercialisation of Indian Agriculture, Trivandrum, 1981.
  - ix) Shahid Amin, *Sugarcane and Sugar in Gorakhpur: An Inquiry into Peasant Production for Capitalist Enterprise in Colonial India*, (Delhi, 1984).
  - x) Satish Chandra Mishra, 'Commercialisation, Peasant Differentiation and Merchant Capital in Late Nineteenth Century Bombay and Panjab', *JPS*, Vol. 10, No. 1, Oct. 1982.

- xi) Elizabeth Whitcombe, *Agrarian Conditions in Northern India, Vol. 1: The United Provinces Under British Rule, 1860-1900*, Berkeley, 1971).
- xii) Christopher John Baker, *An Indian Rural Economy 1800-1955, The Tamilnad Countryside*, (Oxford, 1984).
- xiii) David Ludden, *Peasant History in South India*, (Princeton, 1985).
- xiv) Neil Charlesworth, *Peasants and Imperial Rule: Agriculture and Society in the Bombay Presidency, 1850-1935*, (Cambridge, 1985).
- xv) Asok Sen, Partha Chatterjee, Saugata Mukherji, *Perspectives In Social Science 2 Three Studies On The Agrarian Structure In Bengal 1850-1947*, (Calcutta, 1982).
- xvi) Meghnad Desai, Susanne Hoeber Rudolph, A. Rudra, (eds.), *Agrarian Power and Agricultural Productivity in South Asia*, (Delhi, 1984).
- xvii) K. N. Raj. Neeladri Bhattacharya, Smit Guha, Sakti Padhi (ed.), *Essays On The Commercialization Of Indian Agriculture*, (Delhi, 1985).
- xviii) Sugata Bose, *Agrarian Bengal: Economy, Social Structure and Politics, 1919 - 1947*, (Cambridge, 1986).
- xix) B. R. Tomlinson, 'The Historical Roots of Indian Poverty: Issues in the Economic and Social History of Modern South Asia: 1880 - 1960,' *MAS*, 22, (1988), pp. 126 - 29. Apart from the above, a number of monographs and occasional research papers have been published.

## BIBLIOGRAPHY

### Government Records and Publications

#### (i) Proceedings (Selection):

Bengal Board of Revenue Proceedings, Calcutta

Bengal Land Revenue Miscellaneous Proceedings, Calcutta

Indian Famine Proceedings, 1881, Calcutta

Bengal Revenue Proceedings, Calcutta

Government of India, Famine Proceedings, Calcutta

Bengal Judicial Dept. Proceedings, Patna Judges  
Court Records, Patna.

Bengal General Dept. Proceedings, Emigration,  
Calcutta

Government of Bengal, General Proceedings, Calcutta

Board of Revenue Proceedings Government of Bengal,  
Calcutta

Bengal Survey and Settlement Proceedings, Calcutta,

Patna Judges, Court Records, Patna.

#### (ii) Reports

Settlement Reports:

Final Reports on the Survey and Settlement Operations in  
the districts of --

C. J. Stevenson-Moore, Champaran (1892 to 1899),  
Calcutta 1900

J. H. Kerr, Darbhanga (1896 to 1903), Patna, 1926.

C. J. Stevenson-Moore, Muzaffarpur (1892 to 99),  
Calcutta, 1903

J. H. Kerr, Saran (1893 to 1901), Calcutta, 1903.

J. A. Hubback, Shahabad (1901 to 3) Patna, 1904.

District Gazetteers:

Saran

Champaran

Muzaffarpur

Darbhanga

Census Reports of India

P.C. Tallent, 1921, Bihar and Orissa

J. A. Bourdillon 1891

L. S. S. O'Malley 1911

D and B. Bhattacharya, 1961

(iii) Other Official Reports and Enquiries

Colebrooke, T. H. *Remarks on the Husbandry and Internal Commerce of Bengal*, (London, 1806)

W. K. Firminger (ed.), *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company*, 1812, Vol. 2 (Calcutta, 1917).

A. F. Macdonnell, *Report on Food Grain Supply and Statistical Review of the Relief Operations in the distressed Districts of Bihar and Bengal During Famine of 1873-74*, (Calcutta, 1876).

W. W. Hunter, *A Statistical Account of Bengal*, Vol. XI, XIII, (London, 1877)

*Report of <sup>the</sup> Rent Law Commission*, (Calcutta, 1886).

*Bihar Rent Papers*, 1877 - 78 (Calcutta, 1879).

Report of the Government of Bengal on the proposed amendment of the Law of the Landlord and Tenant in the Bengal Province, pt. II, 1881, (Calcutta, 1881).

Francis Buchanan, *An Account of the District of Bihar and Patna 1811 - 12*, (Patna, 1922).

F. H. B. Skrine, *Memorandum on the Material Condition of the Lower Orders in Bengal during the ten years from 1881 - 82 and 1891 - 92*, (Calcutta, 1892).

Government of India, Revenue and Agriculture Dept., *Resolution Regarding the economic condition of the Lower Class of the agricultural population and measures for the relief of densely populated tracts*, 1888, popularly known as *Dufferin Report*, (Calcutta, 1888).

B. Foley, *Report on Labour in Bengal*, (Calcutta, 1906).

G. A. Grierson, *Report on Colonial Emigration from Bengal*, 1896, (Calcutta, 1896)

*Report of the Bengal Labour Enquiry Commission*, (Calcutta, 1896)

*Bengal Administration Report*, 1876 - 77 *Patna Divisional Administration Report*, 1876 - 77, (Calcutta, 1877).

C. J. Stevenson-Moore, *Report on the Material Condition of Small Agriculturists and Labourers in Gaya*, (Calcutta, 1893)

C. D. Field, *Landholding and the Relation of Landlord and Tenant in various countries*, (Calcutta, 1885).

*Report of the Committee on the Agrarian Condition of Champaran*, 2 Vols., (Patna, 1917).

*Report on the Land Revenue Administration of the Lower Provinces of Bengal, for the year 1892-93*, (Calcutta, 1894).

*Famine Commission Report*, 1881

*Bengal Administration Report, 1871 - 72* (Calcutta, 1873)

*Papers relating to the working and amendment of the Act X of 1859*, (Calcutta, 1888).

*Bengal Administration Report, 1885 - 86* (Calcutta, 1887)

*Indian Famine Report, 1888*.

Selection from papers relating to Bengal Tenancy Act, 1885.

R. Montgomery Martin, *Statistics of the colonies of British Empire in the West India, South America, North America, Asia, Australia, Africa and Europe*, (London, 1839).

Hastings Papers, European add. MSS 19090 (Br.Mus.)

(iv) **Printed Books, Articles and unpublished Dissertations:**

Ahmad, Quamuddin, 'Origin and Growth of Darbhanga-Raj (1519-1666), Based on some Contemporary and Unpublished Documents', *IHRC*, 1962.

Amin, Shahid, *Sugarcane and Sugar in Gorakhpur: An Inquiry into Peasant Production for Capitalist Enterprise in Colonial India*, (Delhi, 1984).

Baden Powell, B. H. *The Land System of British India*, Vol. I (Oxford, 1892).

Bagchi, A. K. *Private Investment in India, 1900-1939*, (Cambridge, 1972).

----- 'Deindustrialization in Gangetic Bihar, 1900 - 1901', in Barun De (ed.), *Essay in Honour of Prof. S C Sarkar*, (Calcutta, 1976), pp. 499-521.

Baker, Christopher John, *An Indian Rural Economy 1800 - 1955, The Tamilnad Countryside*, (Oxford, 1984).

Bayly, C. A., *Rulers, Townsmen and Bazaars<sup>a</sup>, North Indian Society in the Age of British Expansion 1770-1870*, (Cambridge, 1983).

-----, *The New Cambridge History of India, II, 1, Indian Society and the making of the British Empire*, (Cambridge, 1988)

Beames John, *Memoirs of A Bengal Civilian*, (London, 1961).

Bhaduri, Amit, 'A Study in Agricultural Backwardness under Semi Feudalism', *EJ*, 1973.

-----, 'Class Relations and the Pattern of accumulation in an Economy', *CJE*, March, 1981.

Bhardwaj<sup>a</sup> Krishna, 'A view on Commercialization in Indian Agriculture and the Development of Capitalism', *JPS*, Vol. 12, No. 4, July, 1985.

-----, *Production Conditions in Indian Agriculture*, (Cambridge, 1974).

Bhattacharya, Neeladri, (eds.), *Essay on the Commercialization of Indian Agriculture*, (Delhi, 1985).

Bose, Sugata, *Agrarian Bengal: Economy, social structure, and politics, 1919 - 1947*, (Cambridge, 1986).

Buchanan Francis, *An Account of the District of Bihar and Patna in 1811 - 12*, (Patna 1928)

Byres, T. J., 'Modes of Production and Non-European, Pre-Colonial Societies: The Nature and Significance of the Debate', in T. J. Byres and Harbans Mukhia (eds.), *Feudalism and Non-European Societies*, (London, 1985).

Chanana, Dev Raj, *Slavery in Ancient India*, (Delhi, 1960)

Chandra, Satish, *Medieval India, Society, the Jagirdari Crisis and the Village*, (Delhi, 1982).

Chaudhuri, B. B. 'Agrarian Relations in Bengal (1859-1885)', in N. K. Sinha (ed.), *History of Bengal, 1757-1905*, (Calcutta, 1967)

-----, 'The Agrarian Movements in Bihar and Bengal', (1919-1939), in B. R. Nanda (ed.), *Socialism in India*, (Delhi, 1972).

-----, *Growth of Commercial Agriculture in Bengal*, (Calcutta, 1964)

-----, 'Growth of Commercial Agriculture and its Impact on the Peasant Economy', *IESHR*, VII, 1, 2 March and June 1970

-----, 'Rural Credit Relations in Bengal 1859 - 85', Vol. VI, No. 2, *IESHR*, June 1969, pp. 203-57

-----, 'The Process of Depeasantisation in Bengal and Bihar, 1885 - 1947', II, 1 *IHR*, (1975), 105-65.

-----, 'The Land Market in Eastern India (1793 - 1940)', *IESHR*, 12, 1 and 2 (1975), 1-42, 133 - 68.

-----, 'Movement of Rent in Eastern India 1793 - 1930', 3, 2, *IHR* (1977), pp. 308 - 90

Cohn, Bernard S, 'Structural Change in Indian Rural Society 1596 - 1885', in R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History*, (Wisconsin, 1969) pp. 53-122.

Cohn, Bernard, and Singer, Milton, (eds.) *Structure and Change in Indian Society*, (Chicago 1968).

-----, 'Political System in Eighteenth Century India: The Banaras Region', *JAOS*, 82 July - September, 1962, pp. 312-20.

-----, 'Comments on Papers on Land Tenure', *IESHR*, (1965), pp. 178 - 79.

Crawford, John, in K. N. Chaudhuri (ed.), *The Economic Development of India under the East India Company 1814-58: A Selection of Contemporary writings*, (Cambridge, 1971) pp. 217-316.

Datt, K, *Development of Capitalist Relation in Agriculture, (A Case Study of West Bengal 1793-1971)*, (Delhi, 1977).

Davids (Mrs), Rhys, 'Economic Conditions According to Early Buddhist Literature', in E. J. Rapson (ed.). *The Cambridge History of India, Vol. 1, Ancient India*, (Cambridge, 1922), 198-219.

Desai, Meghnad (eds.) *Cambridge Economic History of India, Vol. 2*, (Cambridge, 1983).

Dobb, Maurice *Studies in the Development of Capitalism*, revised edition, (London, 1963).

Firminger, W. K. (ed.), *Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, Vol. II, July 1812*.



Fick, Richard, *The Social Organisation in North East India*, translated from German, Shishir Kumar Mitra (first published) in Germany, Kiel 1888, Calcutta, 1922)

Field, C. D. *Landholding and the Relation of Landlord and Tenant in various Countries*, (Calcutta, 1885).

Fisher, C. M., 'Indigo Plantation and Agrarian Society in North Bihar in the 19th and early 20th centuries', (unpublished Ph.D. thesis, Cambridge, 1976).

Ganguly, B. N. *Trends of Agriculture and Population in the Gauges Valley*, (London, 1938).

Ghosal, H. R. 'A Study of the Land Revenue Records of Tirhut (1793 - 1838)', *JBRS*, Vol. XXX, pt. II, (1954) pp. 43-47.

\_\_\_\_\_, 'The Problem of Effecting Permanent Settlement in Tirhut,' *JBRS* February, 1960, pp. 91-95.

\_\_\_\_\_, 'Labour in Early Nineteenth Century, Bihar', *JBRS*, Vol. XXXII, pt. 1, (Patna, 1956), pp.98-105.

Ghose, A, *Development of Capitalist Relations in Agriculture (A Case Study of West Bengal (1793 - 1971)* co-author, (Delhi, 1977).

Grierson, G. A., *Bihar Peasant Life*, Second edition, (Patna, 1929).

Grover, B. R., 'Land Rights in Mughal India, *IESHR*, I, July-September, 1963, pp. 1 - 23.

\_\_\_\_\_, 'Nature of *Dehati-Taluka* (Zamindari Villages) and the Evolution of the *Taluqdari* System During the Mugal Age', *IESHR*, Vol. II, No.3, 1965, pp.

\_\_\_\_\_, Presidential Address, Medieval India, *IHCP*, (1976), pp. 143 - 78.

Guha, Sumit, (eds.), *Essays on the Commercialisation of Indian Agriculture*, (Delhi, 1986).

Gupta, M. N., *Land System of Bengal*, (Calcutta, 1940)

Habib, Irfan, *Agrarian System of Mughal India*, (Bombay, 1965)

\_\_\_\_\_, (eds.) *The Cambridge Economic History of India, Vol. I*, (Cambridge, 1982).

\_\_\_\_\_, 'Colonization of the Indian Economy, 1757 - 1900', *SS*, 32, (Trivandrum, March 1975) PP.23-53.

\_\_\_\_\_, 'The Peasant in Indian History', General Presidential Address, *IHCP*, (1982), pp. 3-55

\_\_\_\_\_, *Peasant and Artisan Resistance in Mughal India*, McGill Studies in International Development, No. 34, (Montreal, 1984)

Hasan, S. Nurul., *Thoughts on Agrarian Relations in Mughal India*, (Delhi, 1973).

\_\_\_\_\_, 'Zamindars under the Mughals', in R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History*, (Wisconsin, 1969), pp. 17 - 32.

Hauser, Walter, 'The Indian National Congress and Land Policy in the 20th Century,' *IESHR*, Vol. 1, No. 1 July - September 1976,

Henningham, Stephen, 'Bureaucracy and Control in India's Great Landed Estates: The Raj Darbhanga of Bihar, 1879 to 1950,' *MAS*, 17,1 (1983) pp. 35-57.

\_\_\_\_\_, *Peasant Movements in Colonial India, North Bihar, 1917 - 1942*, (Canberra, 1982).

Inden Ronald, 'Orientalist Construction of India', *MAS*, 20, 3, (1986), pp. 401-46.

Jairus, Banaji, *The Articulation of Modes of Production* (ed. H. Wolpe) London, 1980.

Jannuzi, F. T., *Agrarian Crisis in India, The Case of Bihar*, (Delhi, 1974)

Jenks, L. H., *The Migration of British Capital to 1875*, (New York, 1927)

Jha, D. N. *Ancient India: An Introductory Outline*, (Delhi, 1977)

Jha, Hetukar, 'Permanent Settlement in Bihar', *Social Scientist*, No. 97, (1980) pp. 53-57.

Jha, J. S. *History of Darbhanga Raj* (Patna, 1966)

Kautsky, K. 'La Question Agraire', Maspero, 1970 translated and Summarised by Jairus Banaji in *The Articulation of Modes of Production* (ed. M. Wolpe) London, 1980

Kosambi, D.D. *The Culture and Civilization of Ancient India in Historical Outline*, (London, 1965).

Kumar, Dharma, (ed. ) *The Cambridge Economic History of India, Vol. 2, 1757 - 1970*, (Cambridge, 1983).

\_\_\_\_\_, 'Caste and Landlessness in South India', *CSSH*, Vol. IV, 1961-63, pp. 337 - 363.

Ludden, David, *Peasant History in South India*, (Princeton, 1985)

Maddison, Angus, 'The Historical Origin of Indian poverty,' *Banca, Nazionale Del Lavoro, Quarterly Review*, No. 92, (March, 1970, Rome), pp. 31 - 81.

Maine Henry, S. *Ancient Law: its connection with the early history of Society and its relation to modern idea* (original publication, 1861, London 1917)

-----, *Village Communities in the East and West*, (London, 1907)

Mandelbaum, David, G, Vol.I, *Society in India: Continuity and Change*, (California, 1970)

Marshall, P. J. *The New Cambridge History of India*, II. 2 Bengal: *The British Bridgehead, Eastern India, 1740-1828*, (Cambridge, 1988) 'Laissez Fair and Tenant

Metcalf, T. R. 'Laissez Faire and Tenant Right in Mid-Nineteenth Century India', *IESHR* Vol. No. 1, (1963) pp. 74 - 31.

-----, *Land, Landlord, and the British Raj*, (California, 1979)

Mishra B. B., *The Indian Middle Class: Their Growth in Modern Times*, (London, 1961)

Mishra, Girish, *Agrarian Problems<sup>of</sup> Permanent Settlement: a Case Study of Champaran*, (Delhi, 1978).

Mukherjee S. (co-author): *Perspectives In Social Science & Three Studies on the Agrarian Structure in Bengal, 1850-1947*, (Calcutta 1982).

Musgrave, P. J. 'Landlords and Lords of the Land: Estate Management and Social Control in Uttar Pradesh 1860-1920', *MAS* 6, 3, (1972), pp. 257-75.

Padhi, Sakti, (eds.) *Essays on the Commercialization of Indian Agriculture*, (Delhi, 1985)

Patel Surendra J., *Agricultural Labourers in Modern India and Pakistan*, (Bombay, 1952)

Patnaik, Utsa, *Chains of Servitude, Bondage and Slevery in India*, (Delhi, 1985)

-----, *The Process of Commercialisation under Colonial Conditions*, (mimeo), presented at the *Seminar on Commercialization of Indian Agriculture*, Trivandnum, 1981

Pouchepadass, Jacques, 'The Market For Agricultural Labour in Colonial North Bihar (1860 - 1920)' Proceedings of the 9th European Conference on Modern South Asian Studies, Heidelberg, July, 1986.

\_\_\_\_\_, 'Peasant Economy and the Market, System in Early 20th Century Bihar', Proceedings of the 7th European Conference on Modern South Asian Studies, School of Oriental and African studies London, July 1981

\_\_\_\_\_, 'Peasant Indebtedness in Colonial Bihar, *Purusartha*, No. 4, Paris, (1981)

\_\_\_\_\_, Local Leaders and the Intelligentsia in the Champaran *Satyagraha*, *CIS*, New Series, No. 8, (November, 1974)

\_\_\_\_\_, 'Land Power and Market: The Rise of the Land Market in Gangetic India,' in Peter Robb (ed.), *Rural India: Land Power and Society under British Rule* (London, 1983), pp. 76-105.

Raj, K. N. (eds.) *Commercialization of Indian Agriculture*, (Delhi, 1985)

Ray, Ratna Lekha 'The Changing Fortunes of the Bengali Gentry under Colonial Rule -- Pal Chaudhuris of Mahesganj, 1800 - 1950', *MAS*, vol-21, Pt.3, July 1987, PP511-19

Raychaudhuri Tapan, (eds.) *Cambridge Economic History of India*, Vol. I, C. 1200 - C. 1750, (Cambridge, 1982)

\_\_\_\_\_, 'An Old Custom of Estate Division in Bihar, An Interesting Record of the Sadr Diwani Adalat', *IHRC*, Vol. XXVI, (Delhi, 1951), pp. 21 - 22.

\_\_\_\_\_, 'Permanent Settlement in Operation: Bakarganj District East Bengal' in R. E. Frykenberg (ed.), *Land Control and Social Structure in Indian History*, (Eisconsin, 1969), pp. 163 - 174.

\_\_\_\_\_, 'Historical Roots of Mass Poverty in South Asia, A Hypothoesis, *EPW*, Bombay, Vol. XX. No. 18, May 4, 1985, pp.801-6.

Risley, H. *Tribes and Castes of Bengal*, (Calcutta, 1819)

Robb, Peter, 'Hierarchy and Resources: Peasant Stratification in Late Nineteenth Century Bihar', *MAS*, 13, 1, (1979) pp. 79 - 126

\_\_\_\_\_, *Rural India, Land Power and Society under British Ruler*, (London, 1983)

\_\_\_\_\_, 'In Search of Dominant Peasants: Notes on the Implementation in Bihar of the Bengal tenancy Act 1885', in Clive J. Dewey (ed.) *Arrested Development in India*, (Riverhead and Delhi, 1988) PP 188-222.

\_\_\_\_\_, 'Law and Agrarian Society in India: The Case of Bihar and the Nineteenth Century Tenancy Debate', *MAS* 22, 2, (1988), PP 319-54

\_\_\_\_\_, 'Bihar, The Colonial State and agricultural development in India, 1880 - 1920', (unpublished paper in the possession of the author).

Rothermund Dietmar, *Phases of Indian Nationalism and Other Essays*, (Bombay, 1970).

\_\_\_\_\_, 'The Bengal Tenancy Act of 1885 and its Influence on Legislation in other Provinces, *BFP*, *Diamond Jubilee* number, 1967, pp. 90 - 105.

\_\_\_\_\_, *Government Landlord, And Peasant in India: Agrarian Relations under British Rule, 1865 - 1935*, (Wiesbaden, 1878)

Roy choudhuri P.C. *Inside Bihar*, (Patna, 1962)  
District Gazetters: Saran, (Patna, 1930); Champaran, (Patna, 1960), Darbhanga, (Patna, 1964); Muzaffarpur, (Patna, 1958).

Rudra, A. *Agrarian Power and Agricultural Productivity in South Asia*, Delhi, 1984).

Sen, Asok, *Perspectives in Social Science 2, Three Studies on The Agrarian Structure in Bengal, 1850 - 1947*, (Calcutta 1982)

Sen, Chiranjib, *Essay on the Transformation of India's Agrarian Economy*, (New York, 1984)

Sharma, R. S. *Indian Feudalism*, (Calcutta, 1965)

\_\_\_\_\_, Perspectives in Social and Economic History of Early India, (Delhi, 1983)

\_\_\_\_\_, *Material Culture and Social Formations in Ancient, India*, (Delhi, 1983)

\_\_\_\_\_, How Feudal was Indian Feudalism? *JPS*, Vol. 12, No. 2 and 3, January/April 1985. pp. 19 - 43

Sinha, R. N. *Bihar Tenantry, 1783 - 1833*, (Bombay, 1968)

Sinha, S. C. *Studies in Indo-British Economy*<sup>a</sup> *Hundred Years ago*, (Calcutta 1946)

Thorner Alice, 'Semi-Feudalism or Capitalism: The Contemporary debate on Classes and modes of production in India', *Purusartha*, No. 6, (Paris, 1982) 19-72.

\_\_\_\_\_, Daniel and Alice, *Land and Labour in India*, (Bombay 1965)

Tinker, Hugh, *A New System of Slavery, The Export of Indian Labour Overseas (1830-1920)*, (Oxford 1974)

Tomlinson, B. R. 'The Historical Roots of Indian Poverty: Issues South Asia: 1880 - 1960'. *MAS*, 22, 1 (1988), pp 123 - 140.

Wadhwa, D. C. 'Transferability of *Raiyati* Holdings in Bihar: A Long Journey (1793-1950)' in D. N. Panigrahi (ed.), *Studies in History and Society: Economy Society and Politics in Modern India*, (Delhi, 1985) pp. 160-85.

Washbrook, David A. 'Law State and Agrarian Society in Colonial India', *MAS*, 15, 3 (1988), pp. 649 - 721.

\_\_\_\_\_, 'Progress and Problems: South Asian Economic and Social History, 1120 - 1860', *MAS*, 22, 1 (1988), pp. 57 - 96.

Webb, Sydney, *The Decay of Capitalist Civilization*, (London, 1923)

Wood, Geof, 'The Legacy of the Past: The Agrarian Structure' in J. L. Joy and Elizabeth Everitt (eds.) *The Kosi Symoonium: The Rural Problem in North East Bihar: Analysis of Policy and Planning in the Kosi Area*, Institute of Development Studies, University of Sussex, (1976) pp. 93 - 112

Yadav, B. N. S. *Society and Culture in Northern India in the Twelfth Century*, (Allahabad, 1973).

\_\_\_\_\_, 'Immobility and Subjection of Peasantry in Early Medieval Complex', *IHR*, (1974)

Yang, Anand A. 'An Institutional Shelter: The Court of Wards in Late Nineteenth Century Bihar', *MAS*, 13, 2, (1979), 247-264.

\_\_\_\_\_, 'The Limited Raj: The British Development of Control Institutions 1866 - 1920', in 'Control and Conflict in an Agrarian Society: A Study of Saran District 1866 - 1920', (Unpublished Ph. D. thesis, University of Virginia, 1976)

\_\_\_\_\_, 'Peasants On the Move: A Study of Internal Migration in India', *JIS*, X:1 (Summer 1979), 37 - 58.